

**GAO**

Report to the Chairman, Subcommittee  
on the Constitution, Committee on the  
Judiciary, House of Representatives

---

July 1997

# U.S. COMMISSION ON CIVIL RIGHTS

## Agency Lacks Basic Management Controls



---

---

**Health, Education, and  
Human Services Division**

B-274033

July 8, 1997

The Honorable Charles T. Canady  
Chairman, Subcommittee on the Constitution  
Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

Racially motivated church burnings across the country; racial and civil unrest in major metropolitan cities such as St. Petersburg, Florida; and the national debate over the continuing need for federal affirmative action programs and policies are only some of the issues the U.S. Commission on Civil Rights is working on today. Established by the Civil Rights Act of 1957, the Commission had a budget of \$8.75 million, 8 part-time commissioners, and a staff of 91 in fiscal year 1996. Its commissioners have two principal responsibilities—investigating claims of voting rights violations, and studying and disseminating information, often collected during specific projects, on the impact of federal civil rights laws and policies.

Last year, in preparation for the Commission's reauthorization and in response to complaints of mismanagement, your Subcommittee began to look into how the Commission carries out its responsibilities and manages its resources. To assist you in this effort, you asked us to provide information on the Commission's management of projects during fiscal years 1993 through 1996 and its process for disseminating project reports to the public.

To respond to your request, we interviewed all of the current commissioners; the Staff Director; and the Commission officials responsible for budgeting, personnel, projects, and dissemination to the public of the Commission's project results. We reviewed Commission records, applicable legislation and regulations, and internal administrative guidance the Commission developed to carry out its operations. We also attended several Commission meetings to gain an understanding of the role of the commissioners. In addition, we reviewed the process for managing all projects the Commission identified as initiated, ongoing, or completed during fiscal years 1993 through 1996. We did not, however, receive all the information on project time frames, costs, and other Commission activities that we requested. (See app. I for details on our

---

scope and methodology, including a discussion of the limitations in the data we received.)

---

## Results in Brief

Although our review focused on the management of individual projects, we found broader management problems at the Commission on Civil Rights. The Commission appears to be an agency in disarray, with limited awareness of how its resources are used. For example, the Commission could not provide key cost information for individual aspects of its operations, such as its regional offices; its complaints referral process; the clearinghouse; public service announcements; and, in one case, a project. Furthermore, significant agency records documenting Commission decision-making were reported lost, misplaced, or nonexistent. The Commission has not established accountability for resources and does not maintain appropriate documentation of agency operations. Lack of these basic, well-established management controls makes the Commission vulnerable to resource losses due to waste or abuse.

Commission records indicate that projects accounted for only about 10 percent of the agency's appropriations during fiscal years 1993 through 1996 despite the number of civil rights issues addressed. Furthermore, our work shows that management of the 12 Commission projects completed or ongoing during this 4-year period appears weak or nonexistent. The Commission's guidance for carrying out projects is outdated, and the process described as how projects are actually conducted—including specifying anticipated costs, completion dates, and staffing—is largely ignored. For example, 7 of the 12 projects had no specific proposals showing their estimated time frames, costs, staffing, or completion dates. Specific time frames were not set for most projects and when they were, project completion dates exceeded the estimates by at least 2 years. Overall, projects took a long time to complete, generally 4 years or more. Some projects took so long that Commission staff proposed holding additional hearings to obtain more current information. Poor project implementation is likely to have contributed to the lengthy time frames. Furthermore, we found no systematic monitoring of project costs or time frames by Commission management to ensure project quality and timeliness.

Finally, we found that the Commission disseminates project reports to the public through three different Commission offices, none of which appears to coordinate with the others to prevent duplication.

---

## Background

The Commission on Civil Rights was created to protect the civil rights of people within the United States. The Commission is an independent, bipartisan, fact-finding agency directed by eight part-time commissioners. Four commissioners are appointed by the president, two by the president pro tempore of the Senate, and two by the speaker of the House of Representatives. No more than four commissioners can be of the same political party, and they serve 6-year terms. The Commission accomplishes its mission by (1) investigating charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collecting and studying information concerning legal developments on voting rights; (3) monitoring the enforcement of federal laws and policies from a civil rights perspective; (4) serving as a national clearinghouse for information; and (5) preparing public service announcements and advertising campaigns on civil rights issues. The Commission may hold hearings and, within specific guidelines, issue subpoenas to obtain certain records and have witnesses appear at hearings. It also maintains state advisory committees and consults with representatives of federal, state, and local governments and private organizations to advance its fact-finding work.

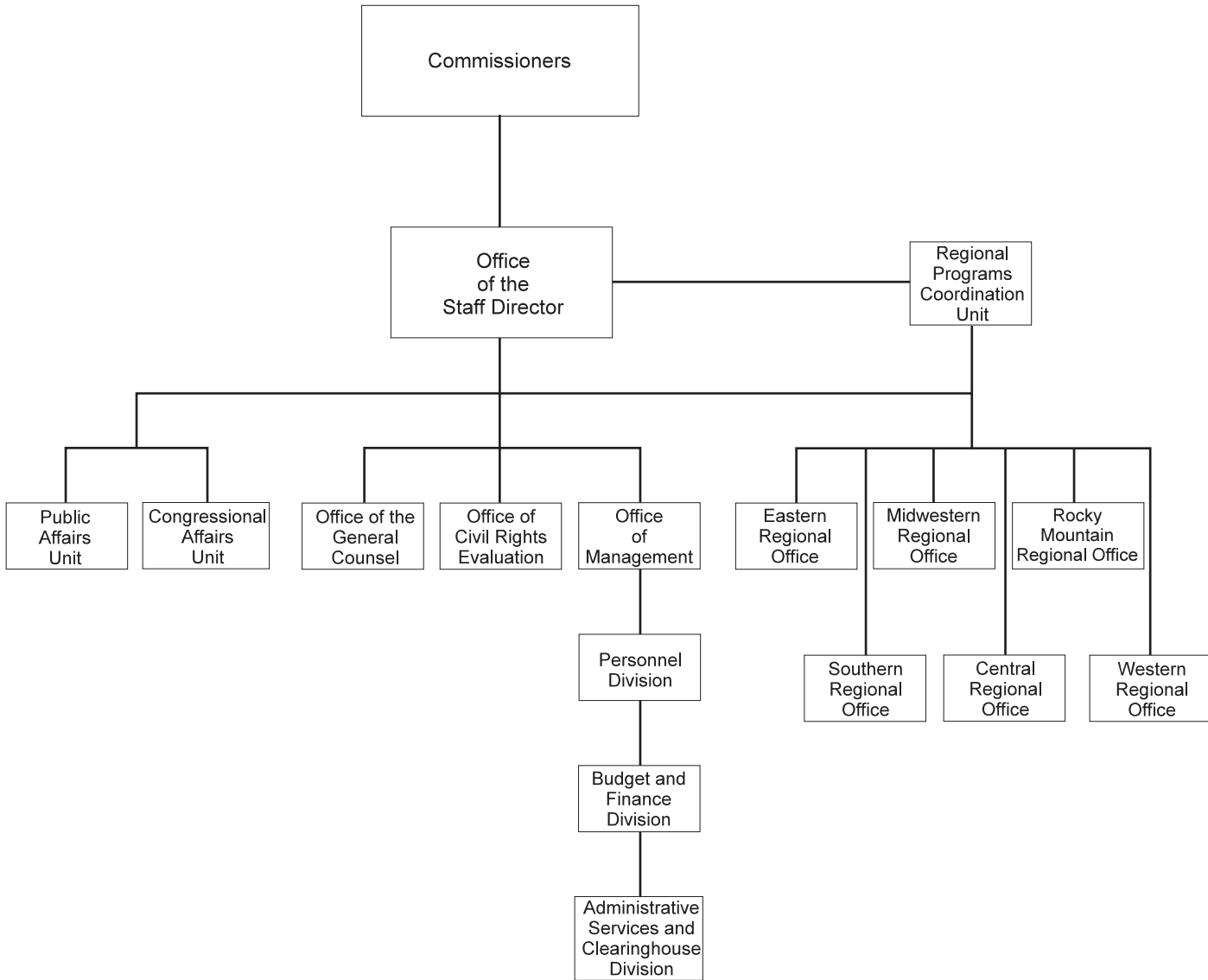
The Commission is required to issue reports on the findings of its investigations to the Congress and the president and to recommend legislative remedies. The Commission also must submit at least one report annually to the president and the Congress that monitors federal civil rights enforcement in the United States. In addition, because it lacks enforcement powers that would enable it to apply remedies in individual cases, the Commission refers specific complaints it receives to the appropriate federal, state, or local government agency for action.<sup>1</sup>

A staff director, who is presidentially appointed with the concurrence of a majority of the commissioners, oversees the day-to-day operations of the Commission and manages the staff in its six regional offices and Washington, D.C. headquarters. Figure 1 shows the Commission's current organizational structure, and table 1 describes the functions and staffing of the major components. (For additional background on the Commission, see app. II)

---

<sup>1</sup>Several agencies have enforcement authority for civil rights issues. For example, the Equal Employment Opportunity Commission is charged with enforcing specific federal employment antidiscrimination statutes, such as title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Age Discrimination in Employment Act of 1967. Also, the Assistant Attorney General for Civil Rights in the Department of Justice is the enforcement authority for civil rights issues for the nation.

Figure 1: Commission on Civil Rights Organization Chart as of November 1996



Source: Commission on Civil Rights.

As of September 30, 1996, the Commission had 8 part-time commissioners and a total of 91 staff members. Projects conducted by the Commission to study various civil rights issues are largely the responsibility of its Office of the General Counsel (OGC) with a staff of 15, and the Office of Civil Rights Evaluation (OCRE) with a staff of 12, as of fiscal year 1996. The largest component of the Commission is the Regional Programs Coordination Unit with 2 staff members in the Washington, D.C., office and 25 staff members in six regional offices. The regional offices direct the Commission's work, which is carried out through 51 advisory committees—one in each state and the District of Columbia—composed of citizens familiar with local and state civil rights issues (see table 1).

**Table 1: Commission on Civil Rights Components, Functions, and Staff as of September 30, 1996**

Component	Function	Number of staff
Commissioners	Set policy and direction for the Commission; hold monthly meetings except during August; and convene several other times a year to conduct hearings, briefings, conferences, and consultations.	8
Commissioners' assistants	Assist the commissioners in carrying out their responsibilities.	7 <sup>a</sup>
Office of the Staff Director	Responsible for the day-to-day management of the Commission; enforces the policy decisions of the commissioners; plans, manages, directs, and coordinates functional operations and administrative activities of all the Commission's offices in headquarters and the field; and liaisons with the Congress, the White House, and heads of federal agencies.	5
Office of the General Counsel	Responsible for advising commissioners and Commission staff on legal issues; ensuring that Commission operations are within the scope of the Commission's statutory authority; conducting public fact-finding hearings; and drafting reports on civil rights issues from information obtained through hearings, investigations, and Commission studies, reports, or other work.	15
Office of Civil Rights Evaluation	Responsible for monitoring and evaluating civil rights enforcement efforts of the executive departments and agencies of the federal government; preparing appropriate documents, such as staff papers, correspondence, and reports presenting the Commission's views and concerns regarding federal civil rights enforcement; receiving complaints alleging denial of civil rights; and referring complaints received to the appropriate federal agencies for investigation and resolution.	12
Regional Programs Coordination Unit	Responsible for planning, directing, and monitoring the programs and policies of 51 State Advisory Committees (SAC) and coordinating SAC programs with the policies and programs of the Commission. Six regional offices, each headed by a director, located in Washington, D.C.; Atlanta; Chicago; Kansas City, Kans.; Denver; and Los Angeles coordinate SAC studies conducted on a variety of civil rights issues, report to the Commission on the results of SAC studies, and assist with follow-up on recommendations included in Commission and SAC reports. Members of SACs are volunteers appointed by the Commission.	2

(continued)

Component	Function	Number of staff
Regional offices	Responsible for submitting action memorandums, staff reports, project concepts, and proposals to the Office of Regional Programs for approval. Regional offices are directly responsible for reports submitted by state advisory committees, but the SACs are responsible for program planning, receiving information from scheduled speakers, and reviewing and approving their reports. Regional office directors are responsible for final approval of SAC reports. The Commission votes to accept or publish SAC reports, but it is the Commission's practice not to allow commissioners to change the reports.	25
Public Affairs Unit	Responsible for providing the public with a national clearinghouse repository for civil rights information; keeping the public informed about civil rights developments through the distribution of Commission reports and publications; and managing the Commission's public service announcements, media releases, and the Commission's Internet communications.	6
Congressional Affairs Unit	Serves as liaison between the Commission and members of Congress and their staffs, participates in the review of civil rights legislation, and keeps the Commission informed of legislative developments.	2
Office of Management	Consists of the Personnel, Budget and Finance, and Administrative Services and Clearinghouse Divisions, which are responsible for operations.	
Personnel	Responsible for all facets of human resource development including staffing, classification, benefits, training, and compensation.	5
Budget and Finance	Responsible for budget preparation, formulation, justification, and execution; financial management; and accounting, including travel for commissioners and staff.	3
Administrative Services and Clearinghouse	Responsible for space management, procurement, transportation, security, telecommunications, supply, and duplication services.	9
<b>Total</b>		<b>99</b>

<sup>a</sup>One commissioner's assistant position was vacant at the time of our review.

The Commission's authorization expired on September 30, 1996. Although the Congress did not reauthorize the Commission, it appropriated funds that allowed the Commission to continue its operations through September 30, 1997.<sup>2</sup> The Commission's funding, adjusted for inflation, has declined by about 58 percent since fiscal year 1980. As shown in figure 2, the largest cuts in funding occurred between fiscal years 1986 and 1988, when funding was reduced by 56 percent. Since fiscal year 1991, funding has been largely unchanged.

<sup>2</sup>The Congress appropriated \$8.74 million for Commission operations for fiscal year 1997 despite a lack of authorizing legislation. The Commission's continued operation is based on a 1992 GAO decision that stands for the proposition that appropriation legislation is sufficient authority to permit an agency to continue operating pending reauthorization action. Commission Authority to Operate, 71 Comp. Gen. 378 (Apr. 29, 1992).



Figure 2: Commission Appropriations, FY 1980-97



## Commission's Management Reflects an Agency in Disarray

The management of the Commission's operations at the time of our review showed a lack of control and coordination. The Commission had not updated its depiction of its organizational structure as required under the Freedom of Information Act (FOIA) nor its administrative guidance to reflect a major reorganization that occurred in 1986. Obsolete documentation of the agency's operating structure and its administrative guidance leaves the public and Commission employees unsure of the agency's procedures and processes for carrying out its mission. Moreover, Commission officials reported key records as lost, misplaced, or nonexistent, which leaves insufficient data to accurately portray Commission operations. Agency spending data are centralized, and Commission officials could not provide costs for individual offices or functions. We also found that the Commission has never requested any audits of its operations, and information regarding Commission audits in its fiscal year 1996 report on internal controls is misleading.

---

## Agency Policies and Procedures Unclear

The Commission has no documented organizational structure available to the public that reflects current procedures and program processes. FOIA requires that federal agencies publish and keep up to date their organizational structure and make available for public inspection and copying the agencies' orders, policies, and administrative staff manuals and instructions. The Code of Federal Regulations, the principal document for publishing the general and permanent rules of federal agencies, shows the Commission's organizational structure as of May 1985;<sup>3</sup> but the Commission's current organizational structure is substantially different because of the major reorganization in 1986.

Confusion also exists regarding which Commission unit has the responsibility for certain organizational functions. For example, it is not clear who at the Commission has responsibility for agency publications, the clearinghouse, and the library. Some Commission officials believed that these duties are housed within the Office of Management in the Administrative Services and Clearinghouse Division. However, the description of Commission component functions provided us put responsibility for publications and clearinghouse duties under the Public Affairs Unit. Another Commission official told us that publications and clearinghouse responsibilities fall under the Regional Programs Coordination Unit. In addition, the commissioners presented conflicting views about the responsibilities of the staff director. Half the commissioners interpreted the staff director's role as carrying out the directives of the commissioners, while the other half viewed the staff director as having wider latitude to manage Commission operations.

In addition, the Commission's Administrative Manual was issued in May 1975 as "the official medium for administrative management of the United States Commission on Civil Rights," but the Commission has paid little attention to maintaining and updating its guidance to accurately reflect agency operations over the last 10 years. The purpose of the manual is to translate administrative policy derived from the various legislative and regulatory policies affecting the day-to-day operations into procedures that the Commission staff can rely on for guidance in carrying out the agency's mission. The major reorganization that occurred at the Commission in the mid-1980s, coupled with high turnover of staff in key positions of the agency, makes up-to-date operating guidance especially important for maintaining continuity and performing work efficiently and effectively. The two office directors responsible for conducting projects, however—who had been employed at the Commission for 5 and 2-1/2

---

<sup>3</sup>U.S. Commission on Civil Rights mission and functions: 45 C.F.R., part VII.

years, respectively—had only the 1982 version of the Administrative Manual to rely on for official procedures for conducting projects.

Commission officials told us that, although it was outdated, the guidance in the Administrative Manual still reflects the basic Commission policy for conducting projects. However, we found that projects did not follow all steps outlined in this guidance, and could not for some steps because the offices no longer existed (see table 2).

**Table 2: Project Development and Oversight Guidance From the Administrative Manual Compared With Actual Practice**

<u>Administrative Manual guidance</u>	Characterization of actual practice
Project teams prepare and submit for approval project concepts, proposals, and designs.	Largely ignored. Only 4 of 22 projects in our review had concepts and proposals; only 3 had design papers.
Project officials obtain account codes at the appropriate point in the planning process.	Partially followed. Projects have account codes; however, Commission officials could not provide completed forms for requesting, assigning, and closing out account codes for the 22 projects reviewed.
Project officials submit monthly progress reports in writing to the staff director through the Office of Program Planning and Evaluation.	Does not occur. The Office of Program Planning and Evaluation, which was responsible for preparing monthly reports to the staff director on the status of all Commission activities, no longer exists. Commission officials did not provide any monthly progress reports to the staff director for any of the projects. However, our review of completed project files for OCRE showed memorandums to the staff director about the status of projects, although not monthly. Completed project files for OGC were not available for our review.
Budget and Fiscal Division maintains current records of all expenditures of money and staff time and provides quarterly reports by account codes to staff director.	Data incomplete. Commission officials told us that they do not maintain any information on staff time by project. They did provide fiscal year reports of expenditures for projects, and all but one included total expenditures. Officials said that quarterly reports are made to the staff director. We requested copies of the reports but never received them.
Publications Management Division edits national publications and designs, produces, and distributes all publications.	Process unclear. This division no longer exists, and it is not clear where this function is currently located. We found three offices that were identified as performing distribution duties, none of which coordinated distribution lists. The list identified as the main mailing list did not appear to have been updated in at least 5 years.

Commission officials told us that they were in the process of updating the Commission’s Administrative Manual and had updated 8 of 73 administrative instructions; however, the instruction for implementing

---

projects is not one of the 8. The Staff Director<sup>4</sup> told us that she had recently convened a task force, made up of the two office directors responsible for conducting projects and the Special Assistant to the Staff Director, to revamp the administrative instruction for projects. As of June 16, 1997, Commission officials said that the task force has met at least three times over the past several months and the Commission expects to have a proposed final version of the administrative instruction for projects for the new staff director's consideration.

---

### Key Commission Records Missing

The Commission reported that key records—which either provided the basis for or documented decisions about Commission operations and project management—were lost, misplaced, or nonexistent. Minutes of certain Commission meetings were reported to be lost. According to officials, minutes of the Commission's meetings discussing the initiation of 7 of the Commission's 22 projects were lost or misplaced. Additionally, the files for these seven projects were either misplaced, misfiled, or not available for review.<sup>5</sup> Other key records outlining critical information about projects did not exist, such as project proposals, or were not available, such as the actual start dates for projects. Officials could not locate the Commission's log for issuing its administrative guidance and could not provide issuance dates for some of its guidance, specifically, that outlining the criteria for conducting projects. Finally, the Commission did not have records showing the total cost of its project on funding federal civil rights enforcement.

---

### Spending Data Not Maintained by Office or Function

Commission officials told us that they maintain a central budget but could not provide the amount or percentage of the budget used by various Commission offices or functions. Officials did not provide the costs of complaint referrals, clearinghouse activities, regional operations, report publication and dissemination, or public service announcements. The only function Commission officials provided separate financial information on was the projects' costs. But even for project costs, records were poorly maintained, and it is unclear whether they reflect the true costs for the projects. For example, the Commission approved one project's report for publishing on September 9, 1994, and the report shows an issuance date of September 1994, yet financial information provided to us showed costs

---

<sup>4</sup>The staff director at the time of our review resigned effective Dec. 31, 1996. As of May 1997, the Commission did not have a staff director.

<sup>5</sup>These projects included six on racial and ethnic tensions in American communities that were completed or ongoing and one completed project on funding federal civil rights enforcement.

---

incurred through fiscal year 1996 for this project. A November 1, 1995, letter from the Commission to the House Constitution Subcommittee showed actual costs for the project of \$261,529, but data Commission officials provided us showed total project costs of \$531,798. At the time of our audit work, the Commission was not able to reconcile the difference.<sup>6</sup>

---

## Commission's Management Controls Are Weak

The Commission's management controls over its operations are weak and do not ensure that the Commission is able to meet its statutory responsibilities<sup>7</sup> or its program objectives. Federal agencies are required under the Federal Manager's Financial Integrity Act to report on internal controls annually to the president and the Congress; however, the Commission did not report on the agency's internal controls for fiscal year 1995. In addition, the Commission's report on internal controls for fiscal year 1996 appears to misrepresent information concerning audits of the Commission. The report claims that several administrative activities are randomly audited by the Department of Agriculture's Inspector General, when in fact no such audits were done. The only direct connection between the Commission and the Department of Agriculture is that the Commission's financial transactions are handled through Agriculture's National Finance Center. Vendors submit invoices directly to the National Finance center for payment, and the Commission does not verify the accuracy of the invoices submitted. The Agriculture Inspector General is responsible for auditing the automated systems of Agriculture's National Finance Center. But the Inspector General's office told us that the Commission has never requested any audits of its transactions. Furthermore, we did not find that any other audits of Commission expenditures had been performed.<sup>8</sup>

Recent reviews of the Commission's operations by the Office of Personnel Management (OPM) and a civil rights advocacy group have been critical of Commission management. OPM reviewed the Commission's personnel practices and concluded in a 1996 report that the Commission is "an

---

<sup>6</sup>The project evaluated the enforcement of the Fair Housing Amendments Act of 1988. In responding to a draft of this report, the Office of the Staff Director said that the project produced two reports and data provided to Congress reflected fiscal year 1994 cost while the GAO request represented all costs on the project and adding the costs associated with the two reports reconciles the difference. Records provided us during the audit do not support these comments.

<sup>7</sup>The Subcommittee on the Constitution, House Committee on the Judiciary, reported that for fiscal year 1995 the Commission did not meet its statutory requirement to submit to the Congress at least one report each fiscal year that monitors federal civil rights enforcement. (104th Congress, House Report 104-846, Sept. 1996).

<sup>8</sup>The Commission is not required by statute to have an Inspector General, and its operations have not been audited by an outside accounting firm.

agency badly in need of managerial attention.”<sup>9</sup> According to the report, the Commission had numerous instances of poor documentation of staffing actions, which made it impossible for OPM to definitively determine the Commission’s compliance with OPM regulations. However, in one instance, OPM did find violations of laws and regulations in the Commission’s appointment of a staff member, resulting in that staff member’s appointment being terminated.<sup>10</sup> In addition, a 1995 report<sup>11</sup> by the Citizens’ Commission on Civil Rights<sup>12</sup> reported that the Commission’s performance has been “disappointing.” The report noted that projects take so long to complete that they may be out of date because conditions have changed by the time the project is completed, reducing the effectiveness of the Commission’s work.

## Commission Projects Poorly Managed and Take Years to Complete

Although Commission projects address a number of civil rights issues, its project spending accounts for a small percentage of the Commission’s budget. Furthermore, the Commission’s efforts to manage these projects fall short in areas such as following project management guidance, meeting projected time frames for completing projects, and systematic monitoring of projects. Commission projects entail collecting and analyzing information on civil rights issues to appraise federal laws and regulations. During fiscal years 1993 through 1996, the Commission completed 5 projects, deferred 10 others, and worked on another 7 that were still ongoing at the end of fiscal year 1996 (see tables 3 and 4). These 22 projects cover a variety of issues, including racial and ethnic tensions in American communities; the enforcement of fair housing, fair employment, and equal education opportunity laws; economic opportunities for minority youths; and naturalization and citizenship issues.

<sup>9</sup>OPM, Office of Merit Systems Oversight and Effectiveness, Report of an Oversight Review: U.S. Commission on Civil Rights-Washington, D.C. (Washington, D.C.: OPM, Nov. 1996).

<sup>10</sup>In response to OPM’s recommendations, the Commission wrote to OPM of its planned corrective actions. In a February 21, 1997, letter, OPM wrote that the Commission’s response reflects that efforts are in place to promote an effective human resources management program and the changes the Commission described should ensure the Commission’s adherence to merit system principles and Civil Service rules and regulations.

<sup>11</sup>Citizens’ Commission on Civil Rights, New Challenges: The Civil Rights Record of the Clinton Administration Mid-Term: Interim Report on Performance of U.S. Commission on Civil Rights During the Clinton Administration (Washington, D.C.: Citizens’ Commission on Civil Rights, 1995).

<sup>12</sup>The Citizens’ Commission on Civil Rights is a private, bipartisan group of former officials who have served in federal government positions with responsibility for equal opportunity. The Citizens’ Commission was established in 1982 to monitor the civil rights policies and practices of the federal government and to seek ways to accelerate progress in the area of civil rights.

**Table 3: Completed and Ongoing Commission Projects, FY 1993-96**

<b>Project title</b>	<b>Assigned office</b>	<b>Project approval date</b>	<b>Concept paper</b>	<b>Proposal</b>	<b>Hearing date</b>	<b>Report approval date</b>
<b>Completed</b>						
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—A National Perspective	OGC	2/91	Yes	No	5/92	3/3/95
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Chicago	OGC	2/91	Yes	No	6/92	4/21/95
The Fair Housing Amendments Act of 1988: The Enforcement Report	OCRE	5/90	No	Yes	N/A	9/9/94
Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs	OCRE	9/93	Yes	Yes	N/A	1/11/96
Funding Federal Civil Rights Enforcement	Staff director	No date	No	No	N/A	6/20/95
<b>Ongoing</b>						
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Mississippi Delta	OGC	2/91	Yes	No	Hearing rescheduled	
Federal Affirmative Action Programs and Policies Hearing	OGC	4/95	Yes	Yes	Hearing canceled	
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Los Angeles	OGC	2/91	Yes	No	6/93	
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—New York	OGC	2/91	Yes	No	9/94 and 7/95	
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Miami	OGC	2/91	Yes	No	9/95	
Evaluation of Equal Education Opportunity Law Enforcement <sup>a</sup>	OCRE	2/91	Yes	Yes	N/A	
Evaluation of Fair Employment Law Enforcement	OCRE	2/91	Yes	Yes	N/A	

Note: N/A means not applicable.

<sup>a</sup>Volume I was completed in December 1996 and volumes II through VI are projected to be completed in FY 1997.

**Table 4: Deferred Commission Projects, FY 1993-96**

<b>Deferred projects</b>	<b>Assigned office</b>	<b>Project approval date</b>	<b>Concept paper</b>
Expanding the Economic Opportunities of African American, Asian, and Latino Youth	OCRE/OGC	7/94	Yes
Schools and Religion	OGC	7/94	No
Financial Aid for Higher Education	OGC	10/94	No
Voting Rights	OGC	10/94	No
Environmental Justice	OGC	10/94	No
Enforcement of Americans With Disabilities Act	OCRE/OGC	4/94	Yes
Naturalization and Citizenship Issues	OCRE	4/94	No
Technological Change and Job Opportunities of Women, Minorities, and Older Persons	OGC	4/94	No
The Crisis of Young African American Males in Inner Cities	OGC	3/95	Yes
Summary Report on Racial and Ethnic Tensions Project	OGC	5/93	No

### Project Spending Accounts for Small Percentage of Commission Budget

Although the Commission appears to spend about 10 percent of its resources annually on projects, we were unable to verify project spending because of the Commission's poor record-keeping. According to Commission records, costs incurred for individual ongoing and completed projects during fiscal years 1993 through 1996 ranged from about \$33,000<sup>13</sup> for a completed project on funding for federal civil rights enforcement to about \$764,000 for a project on racial and ethnic tensions in Los Angeles that had been ongoing throughout the 4-year period (see table 5).

<sup>13</sup>The total cost of this project is not known because Commission officials did not, as they had for other projects, account for staff salaries spent to conduct the project.



**Table 5: Commission Spending on Completed and Ongoing Projects, FY 1993-96**

Project title	Spending by fiscal year				Total spending <sup>a</sup>
	1993	1994	1995	1996	
Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination					
National Perspective <sup>b</sup>	\$ 25,550	\$ 5,991	\$ 20,170	0	\$ 51,711
Chicago <sup>b</sup>	66,489	20,995	16,373	0	103,857
Los Angeles	465,152	56,105	92,977	\$149,498	763,732
New York	3,038	336,947	119,529	74,400	533,914
Miami	0	4,789	62,050	14,087	80,926
Mississippi Delta	0	0	52,385	162,753	215,138
Federal Affirmative Action Programs and Policies Hearing	0	0	68,402	53,165	121,567
The Fair Housing Amendments Act of 1988: The Enforcement Report <sup>b</sup>	157,511	122,413	3,624	5,430	288,978
Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs <sup>b</sup>	7,500	238,126	131,229	38,080	414,935
Funding Federal Civil Rights Enforcement <sup>b</sup>	0	24,057	9,052	18	33,127 <sup>c</sup>
Evaluation of Equal Education Opportunity Law Enforcement	0	0	193,704	307,969	501,673
Evaluation of Fair Employment Law Enforcement	0	0	0	0	0
<b>Total project spending</b>	<b>\$725,240</b>	<b>\$809,423</b>	<b>\$769,495</b>	<b>\$807,865<sup>d</sup></b>	<b>\$3,112,023<sup>d</sup></b>
Total Commission appropriation for year	\$7.8 million	\$7.8 million	\$9.0 million	\$8.7 million	\$33.3 million
Percentage of appropriation spent on projects	9.3	10.4	8.5	9.3	9.3

<sup>a</sup>Total spending on particular projects may be more if funds spent prior to fiscal year 1993 are included.

<sup>b</sup>Project completed.

<sup>c</sup>Does not include salaries for this project.

<sup>d</sup>Includes \$2,465 spent in fiscal year 1996 on a deferred project, Enforcement of Americans With Disabilities Act.

## Project Management Guidance Often Ignored

The Commission's Administrative Manual, administrative instruction 5-1, governs the process for conducting projects; however, the guidance has not been updated since 1982 and does not accurately reflect the current practices as they were described to us. Furthermore, our review of the projects showed that the process described was often not followed. According to Commission officials, the process that should be used to develop an idea into a project and ultimately a report includes five stages: (1) initiating an idea as a concept, (2) selecting concepts to develop into

proposals for projects, (3) conducting project research, (4) approving final publication of a report, and (5) publishing and disseminating the report (see table 6).

**Table 6: Stages of Project Development at the Commission on Civil Rights**

Project stage	Staff role	Staff director role	Commissioners' role
Initiation	Staff, including regional staff, submit ideas or concepts for possible projects to the staff director.	Decides which ideas or concepts to forward to the commissioners.	The Commission holds annual planning meetings in January or February. At that time, they vote on which concepts to return to the staff to develop into proposals for further consideration.
Selection	Develop approved concepts into proposals that identify time frames, budget, staffing levels, scope and methodology, and type of anticipated report.	Submits proposals to the commissioners.	Commissioners approve the proposals as projects.
Research	Conduct research.	Assigns the project, usually to either OCRE or OGC.	Hold hearings as necessary.
Approval	OGC reviews for legal issues.	Submits draft for legal and editorial reviews and transmits to commissioners for review and approval.	Commissioners and their assistants review the draft product and make changes. Commissioners vote to approve the product.
Publication and dissemination	Assist the staff director in making all final report decisions for publication, including the number to be printed in addition to the minimum 5,000 copies of each report.	Makes and approves all final decisions for publication and dissemination.	None.

Project documentation showed that this process was frequently ignored, with less than half of the projects during the period we studied following these procedures. Of the 12 completed and ongoing projects, only 4 had both concept papers and detailed proposals specifying the focus of the project, time frame, budget, and staff levels. None of the racial and ethnic tensions projects included proposals indicating the time frame for completion, proposed budget, or anticipated staff level. These six projects have absorbed years of staff time and accounted for more than 50 percent of the Commission's total spending on projects, yet only two of these projects have been completed. Although concept papers are required for deferred projects, only 3 of the 10 deferred projects had concept papers. The funding federal civil rights enforcement project deviated from the

---

process in the initiation stage, and the records were not available for assessing the project relative to other stages of the process.

---

## Projects Take Years to Complete

The Commission has no overall standard for how long a project should take nor expectations for the length of time specific projects should take. While an estimate of the time to conduct projects is required in proposals, very few projects had estimated time frames for completing projects. For the projects that did specify time frames, the actual time a project took to complete was 2 to 3 years beyond their planned duration. Only two of the five completed projects had anticipated start and finish dates, but both overran their time frames. Both projects had anticipated time frames of 1 year, but one project took 3 years to complete (Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs, issued June 1996), and one took 4 years (The Fair Housing Amendments Act of 1988: The Enforcement Report, issued Sept. 1994). The Commission attributed delays in meeting anticipated time frames to staff turnover, limited staff resources, and the need to update factual information.

Although the length of the projects cannot generally be compared with the expected or approved length, we found that their actual time frames spanned several years. During the period of our review, projects took an average of 4 years to complete from the time they were approved by the commissioners.<sup>14</sup> Four of the five completed projects had data available on time frames—three of the projects took 4 or more years to complete, and one was completed in about 2-1/2 years. For one project, the Commission held a hearing in May 1992 and in the ensuing 3 years incurred additional project costs of about \$50,000. In 1995, it issued the hearing transcript, accompanied by a summary of its contents without any further analysis, as a final product.<sup>15</sup> The Commission's Staff Director reported in a November 1995 letter to the House Judiciary Committee, Subcommittee on the Constitution that the Commission originally scheduled publication of the hearing transcript for fiscal year 1993 but "subsequently, the decision was made to publish an executive summary in addition to the transcript, which delayed publication of the document."

---

<sup>14</sup>Because the Commission did not have information on actual start dates, we determined our cycle time calculations using the project approval date as the start date and the report issuance date as the end date.

<sup>15</sup>Commission on Civil Rights, Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination-A National Perspective, executive summary and transcript of hearing held in Washington, D.C. (Washington, D.C.: U.S. Commission on Civil Rights, May 21-22, 1992). Commission data provided us showed that the Commission approved the transcript and executive summary for publication as of March 1995, but the actual document is dated May 1992.

---

Ongoing projects appeared likely to overrun their estimated time frames as well. For six of the seven ongoing projects, nearly 6 years have elapsed since their approval. Anticipated time frames were available for three of the seven ongoing projects. The "Evaluation of Fair Employment Law Enforcement" project was anticipated as a 2-year project approved in February 1991. The Commission expected to begin the project in May 1995 and complete it in September 1997, but it appears that no work was done on this project in fiscal years 1995 and 1996. Therefore, we believe it is unlikely that this project will be completed on time. The "Evaluation of Equal Education Opportunity Law Enforcement" project was also approved by the commissioners in February 1991. The Commission anticipated starting work on this project in February 1995 and planned to complete the project and issue four reports by September 1996. In July 1996 the responsible project official proposed that the Commission publish six separate reports and informed the staff director that the project milestones had to be extended. The Commission issued the first volume of the anticipated six in December 1996 and now expects to issue the last of the remaining reports by December 1997, more than 1 year later than initially anticipated and more than 6 years from the date the project was approved. The remaining project that had a time frame, "Federal Affirmative Action Programs and Policies," approved in April 1995, was expected to take 2 to 3 years, and is ongoing.

Problems with the quality of the work in planning and implementing certain projects have apparently contributed to lengthy project time frames. For example, the Commission's General Counsel requested additional hearings on three projects because of poor planning for the initial hearings and the resulting inadequate data gathering. For the racial and ethnic tensions projects for New York, Chicago, and Los Angeles, the General Counsel determined that the information gathered at previous hearings was insufficient, outdated, or too weak to support a quality report. The New York project had insufficient testimony and documentation in eight different areas. The Chicago project was criticized by city officials as presenting an unbalanced picture, including unsubstantiated testimony, mischaracterized information, inadequate or nonexistent analyses, and missing certain recent city initiatives. The Los Angeles report contained information that the Commission's General Counsel viewed as outdated and therefore required further investigation for the Commission's report to be current.

---

**Projects Not Systematically Monitored**

The Commission does not systematically monitor projects to ensure quality and timeliness of project results and to help set priorities. The only

---

formal mechanism in place to inform the commissioners about the status of projects is through the discretion of the staff director, orally or in the monthly report the staff director provides to the commissioners.<sup>16</sup> We found that the commissioners only received limited updates on some projects in the staff director's monthly report. The staff director did receive periodic updates about the progress of projects being conducted by OCRE. However, because of frequent staff turnover and misfiled or lost records, we could not determine whether the staff in the General Counsel's office similarly informed the staff director about project progress.

Commissioners did not receive routine information on the costs of projects or the personnel working on the projects. After a vote to approve a project, commissioners are not aware of (1) those projects the staff director decides to start, (2) when projects are actually started, (3) cost adjustments for projects, (4) time frame changes, and (5) personnel changes, all of which can affect the timeliness and quality of projects. All of the commissioners told us that they are not involved in assigning projects or specific tasks to the staff and that this is strictly a responsibility of the staff director. However, most commissioners expressed a desire to have routine reporting on the status of individual projects, specifically, costs and time frames for completion, so they would know when to expect draft reports. In fact, most of the commissioners told us that they frequently have no knowledge of the status of a particular project from the time they approve it until a draft report is given to them for review. Some commissioners said that communication is a big problem at the Commission and that improvement in communications up and down staff levels could help resolve the problem.

---

## Dissemination of Project Reports

The Commission uses three different offices to disseminate project reports, but a lack of coordination among these offices raises the potential for duplicative work. Commission officials told us that these three offices—the office responsible for conducting the project (OGC or OCRE), the Congressional Affairs Unit, and the Office of Management (Administrative Services and Clearinghouse Division)—maintain mailing lists that are used to disseminate Commission project reports, hearing transcripts, and other documents to the public. The responsible project office maintains targeted lists and may develop other mailing lists of routine document recipients. The Congressional Affairs Unit is responsible

---

<sup>16</sup>While the Commission holds planning meetings to discuss future projects, these meetings are held annually and therefore do not serve to routinely inform the commissioners about the status of projects.

---

for disseminating Commission publications to the Congress. The Administrative Services and Clearinghouse Division maintains the agency's general mailing list, coded by subject matter, and is responsible for sending reports to the public and other federal agencies.

With no coordination among the offices, duplicate mailings are likely. We noted, for example, that the Administrative Services unit's general mailing list included members of Congress, which should be the responsibility of the Congressional Affairs unit. Efforts to update the lists could eliminate duplication among the offices, but the Commission had not made such efforts. Our review of the agency's general mailing list indicated that the list had not been updated in at least 5 years. Commission officials told us that they update the general mailing list annually, but did not provide documentation verifying the updates. In fact, the general list showed various individuals in specific federal positions who, at the time of our review, no longer served in those positions. According to a Commission official, a staff member had offered to purge the various lists to eliminate duplication and update the agency's general mailing list, but the offer was refused.

Commission officials told us that they did not know the costs for publishing and disseminating project reports. The officials said that they authorize the printing of at least 5,000 copies of each report.<sup>17</sup> One official said that she did not know what the mailing costs are, but the agency has never "had a problem" sending out reports.

---

## Conclusions

Our overall assessment of the Commission suggests that its operations lack order, control, and coordination. Management is unaware of how federal funds appropriated to carry out its mission are being used, lacks control over key functions, and has not requested independent audits of Commission operations. These weaknesses make the Commission vulnerable to misuse of its resources. The lack of attention to basic requirements applying to all federal agencies, such as up-to-date descriptions of operations and internal guidance for employees, reflects poorly on the overall management of the Commission.

Projects embody a key component of the Commission's operations, yet the management of projects is haphazard or nonexistent. No overall standard exists for assessing the timeliness of projects or the expectations of how

---

<sup>17</sup>In comments provided on this report, Commission officials provided costs of \$29,900 for 8,000 copies of the Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs and a cost of \$18,693 for 5,100 copies of volume I of the Equal Educational Opportunity project series.

---

long projects should take. And the lack of project documentation, systematic monitoring to detect delays and review priorities, and coordination among offices that disseminate reports seriously hampers the Commission's ability to produce, issue, and disseminate timely reports. Results from independent reviews of the Commission's operations, such as the Citizens' Commission on Civil Rights and OPM, substantiate our assessment of the Commission's weak management and the need for improvements.

---

## Recommendations to the Commission

We recommend that the Commission develop and document policies and procedures that (1) assign responsibility for management functions to the staff director and other Commission officials and (2) provide mechanisms for holding them accountable for properly managing the Commission's day-to-day operations. This effort should include

- updating the C.F.R. to provide for public access to the current organizational structure, procedures, and program processes of the Commission;
- updating internal management guidance so that staff are assured that their efforts comply with the administrative policies of the Commission, applicable legislation, and federal rules and regulations; and
- establishing a management information system for commissioners and staff to use to plan projects and track progress using the best information available about projects' expected and actual costs, time frames, staffing levels, and completion dates.

---

## Agency Comments

The U.S. Commission on Civil Rights provided us with two sets of comments on a draft of this report. We received one set of comments from four commissioners and another set from the Chairperson, Vice Chairperson, and the two remaining commissioners. The latter set included comments from the Commission's Office of the Staff Director. The comments are printed in their entirety in appendixes IV and V.

In one set of comments, Commissioners Anderson, George, Horner, and Redenbaugh concurred with our assessment and the recommendations on management improvements needed at the Commission. These four commissioners said that they will closely monitor the performance of the new staff director to ensure that the report's recommendations are implemented, Commission operations are accounted for, and agency

---

procedures and processes for carrying out its mission are updated. (See app. IV.)

In the other set of comments, Chairperson Berry, Vice Chairperson Reynoso, and Commissioners Higginbotham and Lee challenged our report, calling it “short” on historical content, relevant context, and substantiated facts. These four commissioners believed that our recommendations only narrowly addressed aspects of the Commission’s management but pledged to implement the recommendations. Furthermore, these commissioners said that operational deficiencies cited in the report do not affect the Commission’s performance of its basic mission and that many of the findings cited may well be based on miscommunication during the audit. In this regard, they said that the Commission’s Office of the Staff Director would point out the concerns in detail in attached comments. The commissioners addressed four areas of concern that they believed caused our report to provide a distorted view of Commission operations. These areas are the following:

- Update of the Commission’s Administrative Manual—The four commissioners said that the report does not tell the full story because it omits the impact of budget cuts, downsizing, and reductions-in-force that occurred in the 1980s.
- Method used by the Commission to maintain its budget—The commissioners said that the report criticizes the Commission for not being able to provide the amount or percentage of the budget used by the Commission’s various offices or functions, which they maintained is an inaccurate criticism. They said that the Commission does know this information but we did not ask for it.
- Characterization of the OPM report on Commission personnel practices—According to the four commissioners, upon receipt of the Commission’s response to the OPM report, OPM concluded that efforts are in place to promote an effective human resources management program.
- Commissioner supervision of projects—The four commissioners said that commissioners do in fact monitor all projects and, upon request, are afforded updated information on the progress of projects.

The four commissioners concluded that they perceived the draft report to be a great injustice to the Commission.

We believe that our report contains adequate historical information and, in fact, includes information regarding changes in funding from 1980 to 1997. We also discuss in appendix I the limitations we faced in reporting on



---

Commission operations that were caused by a lack of documentation and the Commission's poor record-keeping. We did not receive information we asked for that would have provided more context for Commission operations. We asked Commission officials repeatedly for records, files, and other documentation about major aspects of the Commission's operations, including costs incurred for the Commission's various offices, functions, and projects, but were told that several key documents were misplaced, lost, or did not exist. For example, we asked Commission officials for staffing information showing when downsizing, reductions-in-force, and reorganizations occurred. We were told in a letter from the Commission dated December 4, 1996, and in several meetings with Commission officials, that much of the information we requested, including the staffing and cost information, was not available. We did not receive all minutes requested describing the commissioners' initial discussions of the six racial and ethnic tension projects and the project on Funding Civil Rights Enforcement. The minutes were particularly important to show how these projects were initiated and planned.

We believe the Commission's efforts to implement the OPM recommendations regarding human resources management represent a step in the right direction and encourage future efforts to improve its management. We have modified our report to reflect the OPM assessment of corrective actions the Commission took in response to the OPM review.

We are also encouraged by the statements of both the commissioners and the Office of the Staff Director that the Commission will have a revised management information system in place by October 1, 1997, that will accurately track the status of Commission projects and the human and budgetary resources committed to those projects so that, on a monthly basis, commissioners will be in a position to evaluate the progress of projects and assess the effectiveness of management operations.

The comments submitted by the Office of the Staff Director, which are an attachment to the commissioners' comments, addressed 19 points in our report relating to our analysis of the management issues at the Commission and recommendations for improvement. Most of the comments generally discussed the reasons that the situations we reported exist and actions the Commission is taking or plans to take to address management weaknesses. For example, with regard to our statement that Commission projects took so long that Commission staff proposed holding additional hearings, the Office of the Staff Director agreed that some projects take too long and said that the Commission has attempted to

---

speed up the process. It noted, however, that these efforts have been hindered by commissioner and staff turnover.

We have incorporated, as appropriate, technical changes based on the comments of the four commissioners critical of our report and those of the Office of the Staff Director. For example, we are now separately reporting the number of commissioners and the number of Commission staff and have added that the Commission holds annual project planning meetings. We have also modified our report to reflect comments about task force meetings to revamp the administrative instruction for projects and to show the costs for publishing two reports. In addition, we have added the explanation from the Office of the Staff Director of the \$270,000 difference between the cost figure the Commission provided to the House Constitution Subcommittee and the cost it gave us for the Fair Housing Amendment Act project.

---

We are sending copies of this report to the eight commissioners and the Commission Staff Director; the Director, Office of Management and Budget; and other interested parties.

Please contact me on (202) 512-7014 or Sigurd R. Nilsen, Assistant Director, on (202) 512-7003 if you have any questions about this report. GAO contacts and staff acknowledgments are listed in appendix VI.

Sincerely yours,



Cornelia M. Blanchette  
Associate Director, Education  
and Employment Issues

---

---

---

# Contents

---

Letter	1
Appendix I	30
Scope and Methodology	
Data Collection Strategy	30
Background Data on the Commission	30
Project Management	30
Limitations	31
Appendix II	32
Additional Information on the U.S. Commission on Civil Rights	
Commission Reauthorizations	33
Organizational Structure	34
Staffing	34
Commission Spending	35
Appendix III	37
U.S. Commission on Civil Rights Commissioners for the Period August 1996-May 1997	
Appendix IV	38
Comments From Commission on Civil Rights Commissioners Anderson, George, Horner, and Redenbaugh	

<p><b>Appendix V</b>  <b>Comments From the</b>  <b>Commission on Civil</b>  <b>Rights Chairperson,</b>  <b>Vice Chairperson,</b>  <b>Commissioners</b>  <b>Higginbotham and</b>  <b>Lee, and Staff</b>  <b>Director</b></p>	<p>39</p>																				
<p><b>Appendix VI</b>  <b>GAO Contacts and</b>  <b>Staff</b>  <b>Acknowledgments</b></p>	<p>74</p>																				
<p><b>Related GAO Products</b></p>	<p>76</p>																				
<p><b>Tables</b></p>	<table border="0"> <tr> <td style="padding-left: 20px;">Table 1: Commission on Civil Rights Components, Functions, and Staff as of September 30, 1996</td> <td style="text-align: right; vertical-align: bottom;">5</td> </tr> <tr> <td style="padding-left: 20px;">Table 2: Project Development and Oversight Guidance From the Administrative Manual Compared With Actual Practice</td> <td style="text-align: right; vertical-align: bottom;">9</td> </tr> <tr> <td style="padding-left: 20px;">Table 3: Completed and Ongoing Commission Projects, FY 1993-96</td> <td style="text-align: right; vertical-align: bottom;">13</td> </tr> <tr> <td style="padding-left: 20px;">Table 4: Deferred Commission Projects, FY 1993-96</td> <td style="text-align: right; vertical-align: bottom;">14</td> </tr> <tr> <td style="padding-left: 20px;">Table 5: Commission Spending on Completed and Ongoing Projects, FY 1993-96</td> <td style="text-align: right; vertical-align: bottom;">15</td> </tr> <tr> <td style="padding-left: 20px;">Table 6: Stages of Project Development at the Commission on Civil Rights</td> <td style="text-align: right; vertical-align: bottom;">16</td> </tr> <tr> <td style="padding-left: 20px;">Table II.1: Commission Authorizations, 1957-96</td> <td style="text-align: right; vertical-align: bottom;">34</td> </tr> <tr> <td style="padding-left: 20px;">Table II.2: Commission Staffing Levels Over the 4-Year Period Reviewed, Oct. 15, 1993-Sept. 30, 1996</td> <td style="text-align: right; vertical-align: bottom;">35</td> </tr> <tr> <td style="padding-left: 20px;">Table II.3: Commission Spending Levels in Fiscal Year 1996</td> <td style="text-align: right; vertical-align: bottom;">35</td> </tr> <tr> <td style="padding-left: 20px;">Table II.4: Commission Actual and Inflation-Adjusted Appropriations</td> <td style="text-align: right; vertical-align: bottom;">36</td> </tr> </table>	Table 1: Commission on Civil Rights Components, Functions, and Staff as of September 30, 1996	5	Table 2: Project Development and Oversight Guidance From the Administrative Manual Compared With Actual Practice	9	Table 3: Completed and Ongoing Commission Projects, FY 1993-96	13	Table 4: Deferred Commission Projects, FY 1993-96	14	Table 5: Commission Spending on Completed and Ongoing Projects, FY 1993-96	15	Table 6: Stages of Project Development at the Commission on Civil Rights	16	Table II.1: Commission Authorizations, 1957-96	34	Table II.2: Commission Staffing Levels Over the 4-Year Period Reviewed, Oct. 15, 1993-Sept. 30, 1996	35	Table II.3: Commission Spending Levels in Fiscal Year 1996	35	Table II.4: Commission Actual and Inflation-Adjusted Appropriations	36
Table 1: Commission on Civil Rights Components, Functions, and Staff as of September 30, 1996	5																				
Table 2: Project Development and Oversight Guidance From the Administrative Manual Compared With Actual Practice	9																				
Table 3: Completed and Ongoing Commission Projects, FY 1993-96	13																				
Table 4: Deferred Commission Projects, FY 1993-96	14																				
Table 5: Commission Spending on Completed and Ongoing Projects, FY 1993-96	15																				
Table 6: Stages of Project Development at the Commission on Civil Rights	16																				
Table II.1: Commission Authorizations, 1957-96	34																				
Table II.2: Commission Staffing Levels Over the 4-Year Period Reviewed, Oct. 15, 1993-Sept. 30, 1996	35																				
Table II.3: Commission Spending Levels in Fiscal Year 1996	35																				
Table II.4: Commission Actual and Inflation-Adjusted Appropriations	36																				

---

Figures

Figure 1: Commission on Civil Rights Organization Chart as of November 1996	4
Figure 2: Commission Appropriations, FY 1980-97	7

---

Abbreviations

EEO	Equal Employment Opportunity
FOIA	Freedom of Information Act
OCRE	Office of Civil Rights Evaluation
OGC	Office of the General Counsel
OPM	Office of Personnel Management
SAC	State Advisory Committee

---

---

# Scope and Methodology

---

In designing our study, we obtained all legislation and regulations governing the Commission. We also gathered data on all projects initiated, ongoing, and completed during fiscal years 1993 through 1996, the period of our review; and we obtained data on the Commission's budget, staffing, projects, and legislative history. We conducted our work between August 1996 and May 1997 in accordance with generally accepted government auditing standards.

---

## Data Collection Strategy

We reviewed all applicable legislation, regulations, and historical information, which included Commission appropriations for fiscal years 1980 through 1997 and Commission reauthorizations beginning with its creation in 1957 through September 30, 1996. We interviewed each commissioner on the role of the Commission, management of Commission projects, and overall management of the agency. To determine how and to what extent the Commission manages its projects, we obtained internal administrative guidance, staff listings over the 4-year period reviewed, an organization chart depicting the Commission's current organizational structure, definitions of all Commission functions, and other relevant documents. We attended Commission meetings, interviewed the staff director, and interviewed Commission officials responsible for budget, staffing, projects, and dissemination of project results to the public. We obtained all documents through the Office of the Staff Director.

---

## Background Data on the Commission

To review the role of the Commission, we obtained pertinent sections of the U.S. Code, Public Laws, the Code of Federal Regulations, the legislative history, and other relevant documents about the Commission. We synthesized the relevant sections of the legislation and regulations to form a complete view of the role of the Commission.

---

## Project Management

To review the management of projects, the Commission provided us with a list of approved projects that were initiated, ongoing, or completed during fiscal years 1993 through 1996. Because the Commission's internal guidance and administrative instructions for carrying out projects were outdated, we reviewed agency project files to determine the process the Commission followed for the projects. We also interviewed the staff director and Commission officials responsible for staffing, budget, projects, and dissemination of reports to the public. The Commission provided a list of staff, broken out by office, but could not provide data on actual staff time devoted to projects, nor could it provide budget



---

information by Commission function. The Commission provided us with cost data for all but one project, but we are not confident that the data are accurate because of the Commission's poor record-keeping.

---

## **Limitations**

Our ability to accurately portray the Commission's management of its projects was hampered due to inadequate Commission record-keeping, a lack of data, and the inability of Commission officials to generate certain data. In addition, we could not link budget information to specific activities because the Commission has a central budget and does not break down allocations to headquarters by unit and to regional offices. Nor was budget data available for Commission operations, such as the fiscal resources spent to carry out the Commission's complaints referral process, the clearinghouse, and public service announcements.

We were unable to examine records for three of the five projects completed during our review period because the Commission told us that documents were lost, misplaced, or nonexistent. Other data not available included the total cost for one project, planned budget costs for seven projects, concept papers for nine projects, and proposals for seven projects. We were unable to validate the process the Commission followed for projects by using the administrative guidance because the Commission told us the guidance was out of date and was being updated.

---

# Additional Information on the U.S. Commission on Civil Rights

---

Established by the Civil Rights Act of 1957, the Commission on Civil Rights is an independent bipartisan agency created to protect the civil rights of people within the United States. The mission and authority of the Commission is to (1) investigate charges that citizens are being deprived of certain voting rights by reason of color, race, religion, sex,<sup>18</sup> age, disability,<sup>19</sup> or national origin; (2) relative to deprivation of voting rights, study and collect information concerning legal developments; and (3) appraise federal laws and policies; (4) serve as a national clearinghouse for information;<sup>20</sup> and (5) prepare public service announcements and advertising campaigns.<sup>21</sup> To accomplish its mission, the Commission may hold hearings and issue subpoenas within the state in which the hearing is being held and within a 100-mile radius of the site for the production of documents and the attendance of witnesses at such hearings. It also maintains state advisory committees, and consults with representatives of federal, state, and local governments, and private organizations in furtherance of its fact-finding functions.

The Commission is required to issue reports and findings of its investigations to the Congress and the president and recommend legislative remedies. The Commission must submit at least one report annually to the president and the Congress that monitors federal civil rights enforcement in the United States. In addition, because it lacks enforcement powers that would enable it to apply specific remedies in individual cases, the Commission refers specific complaints it receives to the appropriate federal, state, or local government agency for action.

In 1957, the Commission consisted of six commissioners appointed by the president, with not more than three to be from the same political party. There were no specified terms of office. The Commission operated for more than 25 years before its structure changed from the original formulation. In 1983, the Congress passed legislation<sup>22</sup> creating a new Civil Rights Commission to succeed the presidentially appointed Commission established in 1957. Under the 1983 legislation, the number of commissioners was expanded from six to eight, with not more than four to

---

<sup>18</sup>Sex was added as a protected group in 1978, P.L. 92-496, section 3.

<sup>19</sup>Age and Handicap were added as protected groups in 1983, P.L. 95-444, section 3. The term "handicap" was changed to "disability" in 1994 by P.L. 103-419.

<sup>20</sup>This duty was authorized by title V of the Civil Rights Act of 1964, P.L. 88-352.

<sup>21</sup>The additional duties of public service announcements and advertising campaigns were added by the 1994 statute, P.L. 103-419.

<sup>22</sup>P.L. 98-183.

be from the same political party. The way commissioners were appointed changed also, allotting four to the president, two to the president pro tempore of the Senate, and two to the speaker of the House of Representatives. Additionally, the commissioners now served a 6-year term, with certain provisions at enactment for staggering the terms. The original legislation created the position of staff director, appointed by the president with the advice and consent of the Senate; the 1983 legislation replaced Senate confirmation with concurrence of a majority of the commissioners.

---

## **Commission Reauthorizations**

The Commission on Civil Rights has been in existence for 40 years even though a sunset clause in its authorizing legislation provided that the Commission would submit a final report to the Congress and the president no more than 2 years after enactment, and that 60 days later the Commission would “cease to exist.” The Commission’s authorizing legislation was extended numerous times between 1959 and 1982; the longest extension was for 5 years. By 1982, the debate in the Congress was not over whether to extend the life of the Commission but on how best to do so while enabling it to function effectively in a bipartisan manner and without altering its historical structure and integrity.<sup>23</sup>

Before its 1983 reauthorization, the President, in his budget message to the Congress in 1982 proposed that the Commission be allowed to continue its work until 2003, saying, “[s]ince its inception, the Commission has focused its energies on research demonstrating the existence of civil rights problems. This emphasis was appropriate in the early years of the Commission’s existence. However, the questions of the 1980’s involve not whether civil rights problems exist, but how to most effectively resolve them.” The President also proposed that commissioners serve for specified terms.<sup>24</sup> Between 1989 and 1996, the Commission was reauthorized three more times, until September 30, 1996 (see table II.1). The Congress did not reauthorize the Commission in 1996 but appropriated funds that allowed it to continue operations through September 30, 1997.<sup>25</sup>

---

<sup>23</sup>House Debate of H.R. 2230, Cong. Rec. H. 23134-23149.

<sup>24</sup>Special Analysis J, Civil Rights Activities of the Budget, 1982.

<sup>25</sup>Commission Authority to Operate, 71 Comp. Gen. 378 (Apr. 29, 1992).

**Appendix II  
Additional Information on the U.S.  
Commission on Civil Rights**

**Table II.1: Commission Authorizations, 1957-96**

<b>Public Law</b>	<b>Expiration</b>	<b>Duration</b>
85-315	Sept. 1959	2 years
86-383	Sept. 1961	2 years
87-264	Sept. 1963	2 years
88-152	Sept. 1964	1 year
88-352	Jan. 1968	3-1/2 years
90-198	Jan. 1973	5 years
92-496	Jan. 1978	5 years
95-444	Sept. 1983	5 years
98-183	Nov. 1989	6 years
101-180	Sept. 1991	2 years
102-167	Sept. 1994	3 years
103-419	Sept. 1996	2 years

## Organizational Structure

The Commission had a major reorganization in November 1986. This reorganization and subsequent staff changes through November 1996 eliminated or combined 5 of the 13 major offices, leaving 8 major offices and units in place; the 19 smaller offices, including 10 regional offices, were reduced to 9 offices, which included 6 regional offices. The Commission also eliminated the Office of Program and Policy, the Office of Research, the Planning and Coordination Unit, the Solicitor's Unit, and the Equal Employment Opportunity Unit. It apparently merged the duties of the eliminated units or offices into existing units.

## Staffing

As of fiscal year 1996, the staff director for the Commission managed 83 employees located in six regional offices and in Washington, D.C. This staff assisted eight part-time commissioners and their assistants in carrying out Commission work. The Office of General Counsel (OGC) and the Office of Civil Rights Enforcement (OCRE) conduct the projects and had a combined total of 27 staff members who also had other responsibilities. The Regional Programs Unit is the single largest component of the Commission with 27 staff members, which include 2 at headquarters and 25 in the six regional offices (see table II.2 for the Commission's staffing levels over the 4 years included in our review).

**Appendix II**  
**Additional Information on the U.S.**  
**Commission on Civil Rights**

**Table II.2: Commission Staffing Levels Over the 4-Year Period Reviewed, Oct. 15, 1993-Sept. 30, 1996**

Office/unit	Staff as of 9/30/96	Staff as of 10/1/95	Staff as of 10/3/94	Staff as of 10/15/93
Commissioners	8	8	8	8
Commissioners' Assistants	7	8	8	8
Staff Director	5	6	6	5 <sup>a</sup>
OCRE	12	13	9	11
OGC	15	<sup>b</sup>	12 <sup>c</sup>	15
Regional Programs	27	28	28	27
Office of Management	17	16	14	16
Public Affairs	6	7	4	4
Congressional Affairs	2	2	2	1
<b>Total</b>	<b>99</b>	<b>89<sup>b</sup></b>	<b>92</b>	<b>95</b>

<sup>a</sup>Two employees were assigned to other units but served in the roles of Acting Staff Director and Acting Deputy Staff Director.

<sup>b</sup>Number of employees not provided for the office.

<sup>c</sup>The positions of General Counsel and Deputy General Counsel were vacant.

## Commission Spending

The Commission on Civil Rights does not maintain budget information by component office, and Commission officials told us that they could not separately estimate the percentage of the Commission's budget spent on each component office or on the cognizant responsibilities of the offices. On the basis of information contained in the Commission's fiscal year 1998 budget request, about 72 percent of the Commission's spending for fiscal year 1996 was for salaries and benefits, and another 13 percent was for rent (see table II.3).

**Table II.3: Commission Spending Levels in Fiscal Year 1996**

Category	Spending (thousands)	Percentage of total spending
Personnel compensation and benefits	\$6,316	72.4
Rent	1,114	12.7
Other (utilities, reproduction, <sup>a</sup> services, supplies, and equipment)	989	11.3
Travel and transportation	293	3.3
<b>Total</b>	<b>\$8,712</b>	<b>99.7</b>

<sup>a</sup>The Commission's budget showed a line item of "printing and reproduction"; however, Commission officials told us that they did not know the cost of publishing and disseminating project reports; thus, it is not clear what amount and percentage of the funds spent in this category generally would cover printing costs for project reports as opposed to typical agency xeroxing or copying costs.

**Appendix II  
Additional Information on the U.S.  
Commission on Civil Rights**

The Commission's appropriations ranged from a high of \$12.7 million in fiscal year 1985 to a low of \$5.7 million in fiscal year 1988 and has since leveled off to around \$7.8 million from fiscal year 1993 to the present (see table II.4).

**Table II.4: Commission Actual and Inflation-Adjusted Appropriations**

Dollars in thousands, 1996 = 100

<b>Fiscal year</b>	<b>Appropriation</b>	<b>Adjusted appropriation<sup>a</sup></b>
1980	\$11,230	\$20,748
1981	11,719	19,749
1982	12,318	19,529
1983	11,626	17,747
1984	11,887	17,654
1985	12,747	18,294
1986	12,300	17,223
1987	7,500	10,277
1988	5,707	7,576
1989	5,707	7,323
1990	5,707	7,078
1991	7,075	8,318
1992	7,159	8,240
1993	7,776	8,606
1994	7,776	8,310
1995	9,000	9,224
1996	8,750	8,750
1997	8,740	8,763 <sup>b</sup>

<sup>a</sup>Amount calculated using the federal, nondefense government consumption price index.

<sup>b</sup>Estimated on the basis of the amounts for the 3rd quarter of 1996.

Source: Economic Report of the President, table B-3 (Washington, D.C.: Feb. 1997).

# U.S. Commission on Civil Rights

## Commissioners for the Period August 1996-May 1997

<b>Name</b>	<b>Date appointed</b>	<b>Appointed by</b>	<b>Political affiliation</b>
Mary F. Berry, Chairperson <sup>a</sup>	2/3/93 <sup>b</sup>	Speaker of the House	Independent
Cruz Reynoso, Vice Chairperson <sup>c</sup>	4/19/93	Senate President Pro Tempore	Democrat
Carl A. Anderson	2/8/90	Speaker of the House	Republican
Robert P. George	1/20/93	President	Independent
A. Leon Higginbotham, Jr.	11/30/95	President	Democrat
Constance Horner	1/20/93	President	Republican
Yvonne Y. Lee	12/30/95	President	Democrat
Russell G. Redenbaugh	12/12/95 <sup>d</sup>	Senate President Pro Tempore	Independent

<sup>a</sup>The President designated Commissioner Berry as Chairperson on Sept. 17, 1993, and a majority of commissioners concurred on Nov. 19, 1993.

<sup>b</sup>The date the current term of office (6 years) began. It will expire in 1999. Commissioner Berry was first appointed to the Commission in 1980.

<sup>c</sup>President designated Commissioner Reynoso as Vice Chairperson on Sept. 27, 1993, and a majority of commissioners concurred on Nov. 19, 1993.

<sup>d</sup>Commissioner Redenbaugh was first appointed to the Commission in 1990 and was reappointed in 1995 for a second term.

# Comments From Commission on Civil Rights Commissioners Anderson, George, Horner, and Redenbaugh



UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS

624 Ninth Street, N.W.  
Washington, D.C. 20425

June 16, 1997

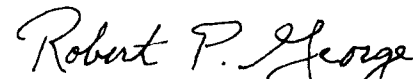
Cornelia M. Blanchette  
Associate Director, Education and Employment Issues  
U.S. General Accounting Office

Dear Ms. Blanchette

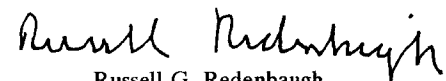
We are grateful for the General Accounting Office's thorough investigation regarding the management improvements needed at the U.S. Commission on Civil Rights. We concur in your assessment and the recommendations you have offered. We will be monitoring closely the performance of the new staff director to insure timely implementation of the report's recommendations for improving resource and project management, increasing accountability for management of the Commission's operations, and updating agency procedures and processes for carrying out our mission.

Sincerely

  
Carl A. Anderson  
Commissioner

  
Robert P. George  
Commissioner

  
Constance Horner  
Commissioner

  
Russell G. Redenbaugh  
Commissioner



# Comments From the Commission on Civil Rights Chairperson, Vice Chairperson, Commissioners Higginbotham and Lee, and Staff Director



UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS

624 Ninth Street, N.W.  
Washington, D.C. 20425

June 16, 1997

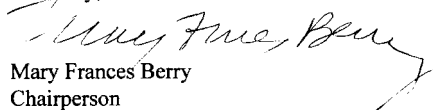
Cornelia M. Blanchette  
Associate Director  
Education and Employment Issues  
U.S. General Accounting Office

Dear Ms. Blanchette:

Please find enclosed the response from Chairperson Berry, Vice-Chairperson Reynoso and Commissioners Higginbotham and Lee, and the response from the Office of the Staff Director (OSD) to the May 30, 1997 draft of the report of the U.S. General Accounting Office on the management and operations of the U.S. Commission on Civil Rights.

The Commission approved the OSD response by a majority vote of 4 to 2 in the presence of a quorum. Two of the eight Commissioners left the meeting before the vote was taken. Even though the majority vote, taken in the presence of the quorum, authorizes me to send the OSD response for the Commission itself, I am instead joining with the three Commissioners, who constituted the positive vote, to send our own collective response along with the OSD response.

Cordially,

  
Mary Frances Berry  
Chairperson

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**



**UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS**

624 Ninth Street, N.W.  
Washington, D.C. 20425

June 16, 1997

Cornelia M. Blanchette  
Associate Director,  
Education and Employment Issues  
U.S. General Accounting Office

Dear Ms. Blanchette:

INTRODUCTION

The May 30, 1997 draft report of the U.S. General Accounting Office on the management and operations of the U.S. Commission on Civil Rights is short on necessary history, short on relevant context and short on substantiated facts. Taken separately, either one of these lapses would be sufficient to make this report unbalanced. Coming together, as they do here, all three serve to render the report misleading.

The report is short on necessary history because since the creation of the Commission in 1957 the cause of civil rights has become more complex. Today, the Commission must not only safeguard against racial bias but it must also grapple with the evils of discrimination along the lines of national origin, citizenship status, religion, age, gender, sexual orientation, physical handicap, emotional disability and economic disadvantage. Yet, while its mission has expanded, the Commission's budget has been eviscerated, its staff decimated, its

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

resources slashed, and even its powers restricted. Thus, in this time and place where a multitude of communities clamor for the Commission's protection, and where every one of these communities deserves equal attention, the Commission has been saddled with the Sisyphean task of doing more and more with less and less. In that light, the management deficiencies identified in the report are not an indictment of the Commission's performance but a testament to its resiliency.

The report is short on necessary context because, by focusing its analysis on the narrow window between 1993 and 1996, the report ignores the reality that during the eight years between 1983 and 1991, the Commission became an ineffective civil rights agency. The Commission's effectiveness has always been measured by its enforcement reports, which monitor every year the performance of federal civil rights agencies. In a true sense, these enforcement reports are the most significant contribution from the Commission to the defense of civil rights; they are used by the President to set policy, by Congress to write legislation, by courts to find facts, by other agencies to craft guidelines, by interest groups to study laws, and by private citizens to seek justice. Yet, in the span of the eight years between 1983 and 1991, the Commission issued no enforcement reports. Indeed, the Commission's inactivity prompted Congress to pass legislation in 1991, requiring the Commission to issue at least one yearly enforcement report. In addition to its failure to issue enforcement reports, during the 1980's the Commission also held only 2 hearings and requested only 9 briefings. In contrast to the eight years of 1980's stagnation, in only five years between 1992 and 1997, the Commission has issued 5 enforcement reports. It has also conducted 7 full scale hearings; it

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

has published or completed 3 reports on these hearings, with 2 more soon to be completed; and it has held 17 commission briefings. Thus, since 1992, the current Commission has been climbing out of the hole dug for it during the 1980's. If, as the report implies, the climb has been fitful and slow, it is only because the hole was that deep and wide.

The report is short on substantiated facts because the many of its findings cannot be supported by the record. Far from being "an agency in disarray", the Commission has been an effective monitor of the nation's civil rights laws, even though the eight commissioners are part-time appointees who are permitted to work on Commission activities on a restricted number of days and who do not bear responsibility for the day-to-day operations of the agency. A Staff Director, who is named by the President and confirmed by majority vote of the Commissioners, manages the agency and supervises the staff. Since 1993, however, the position of permanent staff Director has remained unfilled for long stretches of time, including the past six months since December 1996 when the last Staff Director resigned. Yet, in spite of the void at this crucial managerial position, the current Commission, as the report notes, suffers from no "management and administrative improprieties" as were reported of the Commission during the 1980's in the 1988 GAO report: "U.S. Commission on Civil Rights: Concerns About Commission Operations."

Given the absence of necessary history and relevant context in the report, it is not surprising that its recommendations only narrowly address aspects of the Commission's management. Indeed, the report makes only three recommendations; each of which will be

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

implemented but will have little effect in helping the Commission perform its crucial functions of publishing enforcement reports and holding public hearings.

The first recommendation that the Commission “update[] the Code of Federal Regulations to provide for public access” to the structure and procedures of the Commission is superfluous because the Commission is one of the smallest agency in the federal bureaucracy and its small size makes it extremely accessible to the public. The second recommendation that the Commission “update[] internal management guidelines” to ensure that the staff comply with applicable rules and regulations is similarly of little use because again the agency is small enough that an effective Staff Director could easily ensure staff compliance with rules and regulations. The problem is not that the Commission does not promulgate rules for its staff but rather that it has not had a Staff Director to administer the rules that it does promulgate. The third and final recommendation that the Commission “establish[] a management information system” to coordinate projects between Commissioners and staff is also too little and too late. Already, Commissioners are able to track various projects and even a cursory review of the minutes of recent Commission meetings will clearly show the familiarity of Commissioners with current projects. In any event, long before this report was issued, we directed the staff to begin work on a revised management information system. We expect to put one in place as soon we have a new Staff Director on board.

In short, the Commission continues to promote the cause of civil rights zealously and honorably. Its work is made difficult, not only because it does not have adequate budget, staff

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

and resources, but also because whatever position the Commission takes on any one civil rights issue it is bound to offend one community or another, disappoint one interest group or another, or displease one political party or another. That is why historically most every community, interest group or political party has attacked the Commission..

**BACKGROUND**

**History And Mission Of The Commission**

The United States Commission on Civil Rights was established by Title I of the 1957 Civil Rights Act as an independent bipartisan federal agency. Its original mission was to investigate allegations that citizens were being denied the right to vote by reason of color, race, religion or national origin; to collect information on developments constituting the denial of equal protection of the laws; to appraise the laws and policies of the Federal Government in the whole field of civil rights; and to report its findings and recommendations to the President and Congress. Between 1957 and 1965, the Commission's investigations and reports were framed by civil rights battles of Montgomery and Little Rock, the sit-ins and freedom rides, the March on Washington, and by the disturbances in Selma and Watts. Today, the duties of the Commission also include serving as a clearinghouse for information in respect to discrimination or denial of equal protection of the laws and to issue public service announcements to discourage such discrimination and denial of equal protection of the laws.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Attacks On The Commission

From its creation in 1957 to present day, the Commission has withstood ideological and political attacks by various interests groups and political parties. These attacks have challenged the reach of its powers, the extent of its resources and even the reason for its existence.

The Commission nearly failed to come into existence. In 1956, faced with a possible southern filibuster, the Senate allowed the civil rights bill that would have created the Commission to die in committee. President Eisenhower reintroduced and finally helped pass the bill during his second term but not before some Senators and Representatives denounced the Commission on the floor of Congress as “adolescent, uninformed and inexperienced,” “a Frankenstein monster,” “self-serving meddlers” and “a Commission of civil wrongs.” In a final despairing statement one senator stated that he was prepared to introduce a bill whose purpose would be “to meet the *funeral* expenses of the members of the Civil Rights Commission in the unlikely event that the Commission should ever come into being.”

In 1959, after the Commission submitted its first report describing the lack of equal protection of the laws for African American, some members of Congress attacked the Commission as “radical, vicious, unconstitutional and obnoxious.” One Senator so disapproved of the Commission’s report that he declared that it was almost all he could do “to sustain in Christian charity the resentment which swells within me.” On each occasion that called for the renewal of the Commission, some Senators rose to condemn it in attacks that

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

grew more and more bitter. Thus, during President Kennedy's administration, some southern Senators opposed the Commission as a "meddling trouble-making body" which was sowing the "seeds of tyranny" and which was given to "illogical ramblings and babblings of unsound thinking."

Unable to kill the Commission outright, some politicians resorted to attacking the competence of the commissioners themselves or the integrity of the staff. The Washington Post described one such attack as "a mean and pointless piece of political back-stabbing." In 1963, after the Commission had issued a report on Mississippi describing how African-Americans had been "shot, set upon by vicious dogs and otherwise terrorized because they sought to vote," some politicians called the report "a monstrous libel" while one southern newspaper editorialized that the report was an example of "the dictatorial extreme to which the Commission's fanatic impatience would go to implement its own dogma."

Eventually, the long curve of history and the shifting tide of public opinion vindicated the Commission and its work in defense of voting rights. However many civil rights issues that are addressed by the Commission today are as controversial and inspire as much intemperate opinions as voting rights and racial integration once did. It is therefore not surprising that political criticism of the Commission continues; this in spite of the fact that the Commission, because of its bi-partisan nature, does not -- and indeed cannot -- pursue any one political cause.



---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Organizational Structure of The Commission

The Commission's neutral political stance is a function of its organizational structure. It is headed by eight Commissioners: four appointed by the President, two by the President Pro tempore of the Senate and two by the Speaker of the House of Representatives. Commissioners serve six-year overlapping terms and no more than four Commissioners can be from the same political party. Commissioners are part-time appointees whose duties are restricted to attending the Commission's monthly meetings and reviewing reports and other materials prepared by the staff. The Commissioners themselves do not bear primary responsibility for the daily operations of the agency.

The bi-partisan nature of the Commission, the overlapping terms of the Commissioners, their part-time status and their limited supervisory powers are factors that all play a role in the manner in which the agency operates and the length of time it takes the staff to complete projects. Specifically, because the Commission is a bi-partisan agency, the Commissioners are often divided along political lines. As a result, the staff must undergo the laborious process of preparing multiple revised drafts of reports in order to achieve consensus among the Commissioners. Moreover, because Commissioners serve overlapping terms, newly appointed Commissioners may vote down or request modifications on a project that was approved by previous Commissioners. As a result, the staff must sometimes begin work anew on completed reports or projects in order to abide by the directions of new Commissioners. Finally, because the Commissioners serve on a part-time basis, they do not directly supervise the staff nor do they attend staff meetings, write administrative instructions,

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

and update regulations. Instead, Commissioners defer these responsibilities for these matters to a Staff Director.

The Staff Director is named by the President and approved by a majority vote of the Commissioners. Commissioners do not have the power to appoint the Staff Director or to even name an acting Staff Commissioner pending nomination from the President and confirmation by Commissioners. The Staff Director bears primary responsibility for managing the day-to-day operations of the Commission. Hers is, in many ways, the most important position at the Commission. Unfortunately, over the past three years this position has experienced numerous turnovers and has even remained unfilled for significant periods of time. Thus, in fiscal year 1994 alone, the Commission effectively had three different Staff Directors. During that year, some Commissioners refused to confirm President Clinton's initial choice for Staff Director; one Commissioner even went so far as to pursue a legal action in federal court to defeat his appointment as Acting Staff Director. The last Staff Director was appointed in late May 1994 following a period of six months during which the Commission had no Staff Director. She remained in the post for only approximately two years and resigned in December 1996. Since that time until the present – a period of six months – the Commission has once again had to operate without a Staff Director.

The void at the position of Staff Director is only the most significant example of staff turnover at the Commission. Perhaps equally significant is the turnover in the Office of General Counsel. Between 1991 and the present, that office has been headed by five different General Counsels. Such frequent turnovers, which obviously results in delays in the

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

completion of projects, must be viewed in light of the devastating budget and staff cutbacks to which the Commission has been subjected.

Cutbacks In Budget and Staff

The cutbacks in the Commission's budget and staff has been drastic and has taken an immeasurable toll on staff effectiveness and morale. For example, between 1980 and 1986 the Commission's budget ranged from approximately \$11 million to \$13 million. Starting in 1987, the Commission suffered a 46% cut in its budget to approximately \$7 million. The next year, its budget was cut an additional 15% to approximately \$5 million, and there it remained until 1990. Following some small adjustments in the early 1990's, in 1991 Congress brought the Commission's budget back to its 1987 level of \$7 million but still far below the full funding it enjoyed between 1980 and 1986. Since 1992, the Commission's budget has remained more or less stable, with inflation accounting for the small increases that took place between 1993 and 1997. In short, beginning in 1986 the Commission's budget was gutted and it remains so today. Even the GAO report acknowledges that "[t]he Commission's funding, adjusted for inflation, has declined by about 58 percent since fiscal year 1980. This 58% cut in budget has translated in drastic reduction in personnel and resources. Thus, within the first year of the budget cuts in 1986, the Commission was forced to reduce its workforce by half. In 1983, the Commission had 256 employees and 10 regional offices; by 1991, it was reduced to 79 employees and 4 regional offices. Even today, the Commission still has not recovered from the reduction in force. In 1997, the Commission counts only 90

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

employees and 6 regional offices. Compared to 1983, this represents only 35% of the workforce and 60% of the offices.

1982-1991: Years of Stagnation

The cutbacks in budget and staff are not the only reasons why the Commission has been hobbled in recent years. Equally significant is the debilitating stagnation that settled over the agency during the 1980's. Prior to that period of stagnation, the Commission had established a practice of issuing yearly monitoring reports and recommendations on every federal civil rights agency. In the 1980's the agency ceased issuing these reports and did not resume to do so until Congress passed legislation in 1991, requiring it to issue at least once such yearly report. During that same period, the Commission held only 2 hearings and conducted few briefings on any important civil rights issue. Instead, a GAO report on the Commission during that period revealed several "management and administrative improprieties."

1993-1997: Rebuilding years

In contrast to the stagnation of the Commission between 1983 and 1991, the list of accomplishments of the Commission since 1992 is long and remarkable. We've published or completed at least one statutory report every year since 1992. They include: *Prospects and Impact of Losing State and Local Agencies from the Federal Fair Housing System*, begun in August 1991 and published in September 1992; *Enforcement of Equal Employment and*

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

*Economic Opportunity Laws and Programs Relating to Federally Assisted Transportation Projects*, begun in August 1992 and published in January 1993; *Equal Employment Rights for Federal Employees*, begun in March 1993 and published in August 1993; *Fair Housing Amendments Act of 1988*, begun in August 1991 and published in September 1994; *Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs*, begun in August 1994 and completed in November 1995; *Equal Educational Opportunity Project Series*, begun in March 1995, Volume I published in December 1996, Volumes II, III and IV to be published in September 1997.

Beginning in 1992, the Commission has conducted seven full scale hearings and two mini hearings for a multi-year project titled *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*. These on site hearings took place in Mount Pleasant in 1991, Chicago, Illinois in June 1992, Los Angeles, California in June 1993, New York, New York in September 1994, Miami Florida in September 1995, and Greenville, Mississippi in April 1997. In July 1995 and September 1996 we returned to New York and Los Angeles for mini hearings on new developments in those communities. In the context of these hearings we've explored civil rights issues as crucial and diverse as fair housing, police brutality, immigration, equal education and voting rights. Reports on the Mount Pleasant and Chicago hearings were published in 1993 and 1995 respectively. The Miami Report has been completed and is awaiting a vote by the commissioners before publication. The Los Angeles and New York reports will soon be submitted to the commissioners and staff is currently at work on the Mississippi report.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

In addition to these full-scale hearings, since 1993 the Commission has held at least 17 one-day briefings designed to provide preliminary information to the Commissioners and to inform the public on a particular civil rights issue. These briefings, many of which have been aired on C-SPAN, have included:

*Racial and Ethnic Breakdowns in Census and Income Data*, held in November 1993

*Economic Empowerment of Inner-City Residents*, held in December 1993

*Religious Civil Rights Issues*, held in January 1994

*The Civil Rights Dimension of Health Care Reform*, held in March 1994

*Enforcement of the Americans with Disabilities Act*, held in May 1994

*Civil Rights Implications of Anti-Immigration Sentiments*, held in June 1994

*Equal Opportunity and Diversity in the Media*, held in July 1994

*Immigration Issues*, held in December 1994

*Access to Mortgage Lending*, held in March 1995

*Public Service Announcements*, held in May 1995

*Racism and Sexism in Police Departments*, October 1995

*Consumer Discrimination*, June 1996

*Mandatory Life Sentence Laws*, July 1996

*Welfare Reform Legislation*, December 1996

*Budget Cutbacks at the Legal Services Corporation*, May 1997

Recently, the Chairperson and other Commissioners joined the State Advisory Committees (SAC) in investigating the burning of African-American churches. The

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Commission, aided by the SACs, held community forums in six States where such burnings had been reported. These forums explored not only the immediate cause of these burnings but also the underlying source of racial and ethnic tensions in these communities. In October 1996, we published an Executive Summary and Transcripts for these forums covering the States of Alabama, Louisiana, Tennessee, Mississippi, South Carolina and North Carolina. This is only the most dramatic example of the work performed by our SACs, whose members are appointed by Commissioners and whose activities are supported and closely monitored by Commission Staff.

Above and beyond our enforcement reports, our hearings and briefings, our SAC community forums and our participation in other SAC activities, there are several other indices that mark the many accomplishments of the Commission since 1992. In 1995, we developed and published the first issue of the *Civil Rights Journal*. This was the first time since 1989 that the Commission had launched a magazine designed to presents views on important civil rights issues. Also in 1995, we held a National State Advisory Committee Chairpersons' Conference in 1995. The meeting allowed the Commission's SAC Chairs to exchange ideas and information among themselves. Finally, every year, we process thousands of civil rights complaints from individuals through our complaint referral service. For example, between 1993 and early 1996, we processed close to 8,000 complaints, involving among other things, employment, housing, education, voting, health care, police brutality, hate crimes, affirmative action, and prisoners' rights.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

This summary of the Commission's accomplishments during the period of 1993 and 1996 -- the period for which this GAO Report has been issued -- is merely a way to show that the Commission has been experiencing a renaissance during the past four years. Unfortunately, the GAO reports completely overlooks these accomplishments, focusing instead on deficiencies in Commission operations. As we demonstrated above, these operational deficiencies, do not go to the heart of the Commission's mission. Instead, many of the findings of the GAO report may very well be based on miscommunication during its audit. The Staff's response, which is attached to this letter, clarifies each of them in detail. Nevertheless, below, we feel obliged to respond to some of the more serious examples of where the report needs revision.

RESPONSE TO GAO FINDINGS

The Staff has provided a point by point response to the GAO report. Here, we confine ourselves to addressing four areas of the report, which between them cover most of the report's findings, and which we believe illustrate the extent to which the report offers a distorted view of Commission operations. These four areas involve: the Commission's update of its administrative manual; the method by which the Commission maintains its budget; the recent report on the Commission by OPM; and the Commissioners' supervision of projects.

The GAO report takes the Commission to task for failing to update its Administrative Manual to "accurately reflect agency operations over the past ten years." The report does not



---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

tell the full story. The Commission's Administrative Manual was first issued in 1975 and last updated in 1982. As we recounted above, starting in 1986, the Commission suffered a 58% cut in its budget, forcing it to reduce its staff by more than 50% and to close down four of its ten regional offices. The agency reorganized itself as best it could by eliminating all but the most essential staff positions and by postponing all but the most pressing administrative tasks. Indeed, years after the budget cutbacks, the Commission was still searching for ways to compensate for the reduction in force. For example, in 1987, the budget showed that the Commission could afford a total of only 48 employees. Yet, the number of positions needed to perform various administrative functions -- as opposed to legal or legislative functions -- alone exceeded the 48 positions allowed in the budget. In that climate, using staff and resources to update the administrative manual would have been frivolous, if not irresponsible. In any event, given the downsizing of the agency, the Staff Director was in a position to effectively run the agency without promulgating an official administrative manual. Instead, the Staff Director has gradually and selectively revised the manual as needed. The last Staff Director was in the process of finishing such revisions before she resigned in December 1996. Once the new Staff Director is on board, we will resume the process.

The GAO report criticizes the Commission for supposedly not being able to "provide the amount or percentage of the budget used by the Commission's various offices or functions." This too is inaccurate. Because of the small size of the agency, the Commission has found it more efficient to maintain a central budget. However, within that centralized budget, the Commission also tracks expenses by office and by project. The Staff did not

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

provide the GAO auditors with the breakdown of the budget because the auditors never asked for it. We are particularly proud of the rigid administrative controls maintained by the agency, especially in view of the alleged improprieties a GAO report found in the Commission during the 1980's.

The GAO report supports its findings by citing recent report by the Office of Personnel and Management that has been "critical of Commission management." In fact, after the Commission's response to its report, OPM concluded: "your response clearly reflects that efforts are in place to promote an effective human resources management program. . . . We are pleased with the measures that you have described to implement required changes in the areas of merit promotion, performance awards and personnel record keeping."

Finally, the GAO report claims that "the Commission does not systematically monitor projects to ensure quality and timeliness of project results and to help set priorities." The report also maintains that "Commissioners only receive limited updates on some projects in the Staff Director's monthly report." Speaking as Commissioners, nothing could be further from the truth. We in fact do monitor all projects and upon request we are afforded with updated information regarding the progress of those projects. To begin with, Commissioners approve projects before the Staff begins to pursue them in earnest. Moreover, at any point during the life of a project, any Commissioner is free to propose a change in the focus or the direction of the project. In describing the progress of various projects, the Staff Director's monthly report must by necessity be brief. Given that Commissioners meet regularly only once a month, nothing would be gained by describing the minutiae of all staff projects in the

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Staff Director's report. Instead, the report is designed to give Commissioners enough of an overview of the projects that they may, if they so wish, discuss any or all projects in more detail. This, incidentally, Commissioners understand and often do.

CONCLUSION

Thank you for allowing the Commission the opportunity to review and comment on the draft report of the GAO on the administration of the U.S. Commission on Civil Rights. We ask that you include this letter as part of your final report. We offer our response with no disrespect or malice. Rather, we mean it as a corrective to what we perceive to be a great injustice done to the Commission by the report.

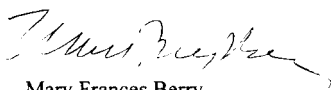
All in all, the report does not -- and cannot -- conclude that the operational deficiencies that were found at the Commission -- and that would no doubt be found at most every agency -- somehow substantially inhibits the Commission from doing its job. Instead, the report spends an awful lot of ink only to come to the rather mild conclusion that the Commission is sometimes late in issuing some of its reports, and that the Commission sometimes underestimates the time it takes to complete some of its projects. This conclusion is all the more questionable given the fact that the current Commission is still recovering from the devastating cutbacks in its budget and staff, and the debilitating years of stagnation in the 1980's. Certainly, in light of these setbacks, the Commission in recent years has struggled to keep to its mission, but we are emboldened by the remarkable accomplishments

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

we've put forward in the past three years, for these accomplishments testify to nothing less than the reality that the Commission continues to play a vital role in safeguarding the civil rights of all Americans.

Great commissioners have done great things at the Commission -- and will again -- and this agency can once more be what it was from the beginning: an agency that "prod[s] Congress, nag[s] the Executive, and aid[s] the Courts; an agency that lacerate[s], sensitize[s] and perhaps even recreate[s] the national conscience."

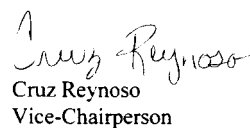
Respectfully,



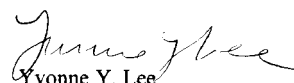
Mary Frances Berry  
Chairperson



A. Leon Higginbotham, Jr.  
Commissioner



Cruz Reynoso  
Vice-Chairperson



Yvonne Y. Lee  
Commissioner

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**



OFFICE OF STAFF DIRECTOR

UNITED STATES COMMISSION ON CIVIL RIGHTS  
WASHINGTON, D.C. 20425

June 16, 1997

Cornelia M. Blanchette  
Associate Director, Education  
and Employment Issues  
U.S. General Accounting Office

Dear Ms. Blanchette:

This is in response to draft letter of May 30, 1997, transmitting the report of the audit by your staff of the management operations at the Commission. We have reviewed this report and are committed to respond positively to its findings and recommendations. I am certain that you discovered during the course of your audit, that the Commissioners are part-time policy-making officials who are not responsible for the day to day management of the Commission. The Commissioners set policy and oversee the performance of the Staff Director, who is appointed by the President with the concurrence of a majority of the Commissioners. The Staff Director is responsible for the agency management and day to day supervision of the staff.

Ordinarily, the Staff Director, who is necessarily most familiar with the management issues raised in the audit, would prepare an agency response to your report for the Commissioners to review. However, our Staff Director retired in January, 1997. Since we are not permitted legally to name an Acting Staff Director and no new appointee for the Staff Director position is in place, this response is being prepared by the Office of the Staff Director for the Commission.

Your analysis of some of the management issues at the Commission and your recommendations for improvement have been noted. We find it particularly noteworthy that your examination of current Commission operations revealed no "management and administrative improprieties" as were reported in the 1988 GAO report, *U.S. Commission on Civil Rights: Concerns About Commission Operations*.

We have examined closely your draft report and we believe that your conclusion that the Commission "appears to be an agency in disarray with limited awareness of how its resources are used," is overstated and erroneous. Clearly, there are some aspects of the draft report that must be modified. In this response, we will attempt to direct your attention to the most obvious errors, unsubstantiated allegations and misinterpretations presented in your draft report.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Now on p. 5.

Initially, however, it would be helpful to point out that Commissioners, as part-time appointees with substantial, additional professional responsibilities, are only permitted to work on Commission activities for a restricted number of days per year, consisting mainly of attending the monthly Commission meetings and reading and commenting on Commission materials in between meetings. Your draft report repeatedly refers to "Commission officials" in a generic sense, not distinguishing between Commissioners and Commission staff. You also include Commissioners in the calculation of numbers of Commission staff members (e.g. page 6).

This could lead a reader who did not know otherwise to believe that eight full-time Commissioners are on board and managing the agency everyday. The reader may be led to believe further that somehow Commissioners are able to have staff meetings, supervise staff, write administrative instructions, update regulations, all matters that are the responsibility of the Staff Director.

Commissioners agree that they should effectively supervise the Staff Director, by requiring detailed and timely information on management operations. The Commission will have a revised management information system in place by October 1st that will accurately track the status of Commission projects and the human and budgetary resources committed to those projects so that on a monthly basis, Commissioners will be in a position to evaluate the progress of our projects and assess the effectiveness of our management operations.

The OSD response to specific statements in your draft report follows:

**1.) GAO STATEMENT:**

*Some projects took so long that Commission staff proposed holding additional hearings to obtain more current information. (page 3)*

---

Now on p. 2.

**COMMISSION RESPONSE:**

We share the concern that some projects take too long. In recent years, the Commission has attempted to speed up this process. Certain projects were started by former Commission officials who left the Commission before the projects were completed. Thus, delays on some projects were caused, in part, by staff turnovers. Further, in some instances, hearing records developed by former Commission staff were found to be inadequate to form the necessary foundation for the output of useful reports. The current Commission staff proposed holding additional hearings to enhance the quality of the information needed to complete these projects.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Now on p. 2.

**2.) GAO STATEMENT:**

*The Commission disseminates project reports to the public through three different Commission offices, none of which appears to coordinate with the other to eliminate duplication. (page 3)*

---

**COMMISSION RESPONSE:**

The Administrative Services and Clearinghouse Division is responsible for oversight of the inventory of publications, distribution of Commission publications, and Robert S. Rankin Civil Rights Memorial Library. These are only a few of the many tasks that fall within the purview of the division. The division maintains the Commission mailing list and coordinates the dissemination of Commission reports. Although other Commission offices may maintain special lists of persons or organizations for targeted mailings, it is the Administrative Services and Clearinghouse Division that performs the tasks that involve the distribution of Commission reports.

---

**3.) GAO STATEMENT:**

*The Commission's Administrative Manual was issued in May 1975 as "the official medium for administrative management of the United States Commission on Civil Rights" but the Commission has paid little attention to maintaining and updating its guidance to accurately reflect agency operations over the last 10 years. (page 10)*

---

Now on p. 8.

**COMMISSION RESPONSE:**

We do not know why Commissioners did not instruct, and successive Staff Directors did not undertake to revise the administrative manual which was first written in 1975 and last updated in 1982. It is believed, however, that the decimation of the agency's staff left so few resources that they did not think it was a wise use of resources to focus on these tasks as opposed to conducting hearings or studies or civil rights activities. Essentially, as best we can tell, the Commission has been operating since the downsizing in 1986 with staff members performing functions as needed with the old manual instructions providing as much guidance as relevant and where they do not apply simply being ignored.

Despite the resource constraints, the last Staff Director had begun a revision of the Instructions and some of the Instructions have been revamped. Her resignation in December, 1996 and the continued vacancy in that post have delayed the process that was begun. A new Staff Director will be instructed by Commissioners to complete the revision as a major priority and to present time frames and monthly reports to the Commission on its progress.

---

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Now on p. 10.

**4.) GAO STATEMENT:**

*The [former] Staff Director said that she had recently asked a task force made up of the two office directors responsible for conducting projects and the special assistant to the staff director to work on revamping the administrative instruction for projects. As of May 30, 1997, the task force had not yet held its first meeting. (page11)*

---

**COMMISSION RESPONSE:**

The "task force" members have met at least three times within the period cited in the draft report and have circulated and discussed draft revisions of this Instruction among themselves for several months. A proposed final version of the Instruction awaits the consideration of the next Staff Director.

Now on p. 8.

**5.) GAO STATEMENT:**

*The Commission also has no documented organizational structure available to the public that reflects current information on procedures and program processes of the Commission. (page 12)*

---

**COMMISSION RESPONSE:**

We acknowledge that the Freedom of Information Act requires all Federal agencies to formally publish their respective organizational structures and to make this information publicly available. It should have been done in 1986. Commission staff will properly represent the current organizational structure of the agency.

Now on p. 8.

**6.) GAO STATEMENT:**

*Confusion also exists regarding which Commission unit has the responsibility for certain organizational functions. For example it is not clear who at the Commission has responsibility for the Commission's publications, clearinghouse, and library. (page 12)*

---

**COMMISSION RESPONSE:**

(See response to GAO Statement number 3.)



**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

**7.) GAO STATEMENT:**

*The Commission reported that key Commission records – which either provided the basis for or documented decisions about the operations of the Commission and the management of its projects – were lost, misplaced, or nonexistent. Minutes of certain Commission meetings were reported to be lost. According to officials, minutes of the Commission's meetings discussing the initiation of 7 of the Commission's 22 projects were lost or misplaced. The Commission did not have records showing the total cost of its project on funding federal civil rights enforcement. (page 13)*

---

**COMMISSION RESPONSE:**

Our records document that all requests from the GAO auditors for Commission meeting minutes were fulfilled. Furthermore, the Commission meeting minutes from December, 1978 through April 4, 1997 are maintained in the Office of the Staff Director and are readily available for review. GAO auditors were informed by Commission staff that many files for the Racial and Ethnic Tensions series which began in 1992 were misplaced. The project Funding Civil Rights Enforcement was completed by one staff member in addition to other duties and a project code was assigned.

There was also an explanation given for misplaced files, which we repeat here. From the start of this project series until the present, the Office of General Counsel has operated under the direction of six different General Counsels. In addition, there has been substantial staff turnover in that office. The current General Counsel was tasked to hire new attorneys who subsequently discovered that the record keeping of the previous staff was deficient. Under the direction of the current General Counsel, staff are maintaining proper documentation and record keeping on the Racial and Ethnic Tensions project series, which is available for inspection at the Commission.

**8.) GAO STATEMENT:**

*Commission officials told us that they maintain a central budget and could not provide the amount or percentage of the budget used by the Commission's various offices or functions. Commission officials could not provide the costs of operations, report publication and dissemination, or public service announcements. (page 13)*

---

**COMMISSION RESPONSE:**

According to Commission officials, GAO auditors were consistently advised that the Commission has a centralized budget function and that staff did track expenses by office as well as project. Further, the data required to compute the percentage of the annual appropriation associated with a specific office or function is available. Also,

Now on p. 10.

Now on p. 10.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

according to a Commission official involved in the audit , GAO auditors never asked the Commission for data regarding the costs associated with complaint processing, regional operations and PSA's. The data, examples of which are attached to this response, would have been made available to the auditors upon request.

GAO auditors were asked on numerous occasions for the specific items on which they were requesting cost data. In each instance, they responded that they were only concerned with the projects that were submitted to the Congressional subcommittee. As a result, Commission officials were concerned only with providing data in support of the projects identified by the auditors. Thus, the documents provided were detailed, standard object class breakdown of costs by project, by period requested to include current, cumulative, and total.

---

**9.) GAO STATEMENT:**

*In one instance, the Commission approved the project's report for publishing on September 9, 1994, and the report shows an issuance date of September 1994, yet financial information provided to us showed costs incurred through fiscal year 1996 for this project. In a November 1, 1995, letter to the House Constitution Subcommittee, the Commission showed actual costs for the project of \$261,529, but data Commission officials provided us showed total project cost of \$531,798. The Commission was not able to reconcile the difference. (page 14)*

---

**COMMISSION RESPONSE:**

This concerns the Fair Housing Project, a two-part project that produced two reports. The figures presented to Congress and to GAO differ only because they were provided in response to different questions. Congress requested data from FY 1994 while GAO requested all cost data on the project to date. An explanation was also provided in the November, 1, 1995 letter to the House Constitution Subcommittee. Taken together, the costs associated with the two reports reconciles the difference highlighted in the GAO draft report.

---

**10.) GAO STATEMENT:**

*Under the Federal Manager's Financial Integrity Act, federal agencies are required to report on internal controls annually to the President and Congress; however, the Commission did not report on the agency's internal controls for fiscal year 1995. The Commission's report on its internal controls in fiscal year 1996 appears to misrepresent information concerning audits of the Commission. (page 14)*

Now on pp. 10-11.

Now on p. 11.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

**COMMISSION RESPONSE:**

Regarding the "appearance" of the Commission's FY 96 report, there was no attempt to mislead the recipient. The Commission regularly receives copies of reports issued by the USDA Inspector General on the financial systems operated by the National Finance Center (NFC). Because the Commission is a full service client of the Center, we follow the same basic principles and policies as followed by NFC.

The payment system used by NFC for administrative services and subscribed to by the Commission, has been certified by the GAO and Inspector General as including the appropriate level of internal controls/checks and balances to ensure the appropriate level of propriety over payments. In addition, the Commission monitors payments vs. obligations internally. The auditors never specifically addressed this area of the Commission's operation. The process is being reviewed, and to the extent that there are deficiencies, steps will be taken to correct them.

---

**11.) GAO STATEMENT:**

*Recent reviews of the Commission's operations by the Office of Personnel Management and a civil rights advocacy group have been critical of Commission management. (page 15)*

**COMMISSION RESPONSE:**

These reviews hardly support the overstated conclusion of GAO auditors. After the Office of Personnel Management (OPM) completed its review of the corrective actions taken by the Commission to resolve the issues addressed in the OPM report on the Commission, OPM stated: "Your response clearly reflects that efforts are in place to promote an effective human resources management program. The changes you have described should ensure the Commission's adherence to Merit System Principles and Civil Service rules and regulations. We are pleased with the measures that you have described to implement required changes in the areas of merit promotion, performance awards, and personnel record keeping." (See, Letter dated February 21, 1997 to the Honorable Mary Frances Berry, Chairperson, U. S. Commission on Civil Rights from Carol J. Okin, OPM ). These points should be added to your draft report.

It must be pointed out with regard to the critical comments of a civil rights advocacy group, the group does not purport to have an expertise in the area of management operations.

Now on pp. 11-12.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Now on p. 15.

---

**12.) GAO STATEMENT:**

*The Commission's administrative manual (administrative instruction 5-1), governs the process for conducting projects; however, the guidance has not been updated since 1982 and does not accurately reflect the current practices as described to us. Further, our review of the projects showed that the process described as the actual process is often not followed. Of the 12 completed and ongoing projects, only 4 had both concept papers and detailed proposals specifying the focus of the project, timeframes, budget and staff levels. (page 21-22)*

---

**COMMISSION RESPONSE:**

As explained to GAO auditors, of the 12 completed and ongoing projects, six involve the Racial and Ethnic Tensions series, a multiyear project which was proposed and approved by the Commission in 1991. Commissioner generated projects typically do not follow the standard Commission procedure with respect to project planning. This is because project concepts are developed to assist the Commissioners in determining whether to select a staff generated project.

Accordingly, project concepts were not developed for this Commissioner-generated project series. The Commissioners selected the sites for the hearings and, therefore, project proposals were not developed for each city in which a hearing was held.

The seventh project was the Federal Affirmative Action Programs and Policies Hearing. Again, as explained to GAO auditors, this project was added by the Commissioners and was placed on a fast-track for implementation. For that reason, no project concepts or proposals were developed. The scheduled hearing was canceled in the wake of the Federal government shutdown.

The Funding Federal Civil Rights Enforcement project originated as a Staff Director project. This report was completed by one staff person and was developed without concepts and proposals.

Project concepts and proposals for the remaining ongoing or completed projects were previously submitted to GAO.

---

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Now on p. 17.

**13.) GAO STATEMENT:**

*The funding federal civil rights enforcement project deviated from the process in the initiation stage and the records were not available for assessing the project relative to other stages of the process. (page 22)*

---

**COMMISSION RESPONSE:**

As explained, this project was a Staff Director-generated project, conducted by one staff person whose time on the project was not tracked. This lapse in management procedure has been remedied.

---

Now on pp. 17-18.

**14.) GAO STATEMENT:**

*Commission data provided us shows Commission approval date for publication of the transcript and executive summary as March 1995 but the actual document is dated May 1992. Commission officials could not reconcile the discrepancy between the dates. (page 23)*

---

**COMMISSION RESPONSE:**

The difference in the two dates is easily explained. The later date denotes the date the Commission approved the transcript and the executive summary and the earlier date depicts the dates upon which the transcript of the hearing applies.

---

Now on p. 18.

**15.) GAO STATEMENT:**

*"The Evaluation of Fair Employment Law Enforcement" project was anticipated as a 2-year project approved in February 1991. The Commission expected to begin the project in May 1995 and complete it in September, 1997, but it appears that no work was done on this project in fiscal years 1995 and 1996, so we believe it is unlikely that this project will be completed on time. (page 24)*

---

**COMMISSION RESPONSE:**

The Commission evaluated its funding and staffing priorities during its scheduled planning meeting, and made a judgment that this particular project should be shifted to Fiscal Year 1999.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

**16.) GAO STATEMENT:**

*The Commission does not systematically monitor projects to ensure quality and timeliness of project results and to help set priorities. The only formal mechanism in place to inform the Commissioners about the status of projects is through the discretion of the staff director, orally or in the monthly report the staff director provides to the Commissioners. We found that the Commissioners only receive limited updates on some projects in the staff director's monthly report. (page 25)*

---

**COMMISSION RESPONSE:**

The Commissioners routinely receive more detailed information on the status and costs of projects in preparation for project planning meetings of the Commission. The Budget and Finance Division does accumulate cost data on projects, that have been made available upon request. Plans are underway to establish a revised management information system by October 1, 1997, that will accurately track the status of Commission projects and the resources committed to those projects so that on a monthly basis Commissioners will be in a position to evaluate the progress of our projects and assess the effectiveness of our management operations.

---

**17.) GAO STATEMENT:**

*Commissioners do not receive routine information on the costs of projects or personnel performing the work on the projects. (page 25)*

---

**COMMISSION RESPONSE:**

When Commissioners receive the Staff Director's reports each month including information concerning projects, any questions about costs or personnel are answered. However, it is true that the staff do not provide routine data on project costs to the Commissioners unless a funding problem seems imminent. A concerted effort has been made to establish the mechanism needed to disseminate more information to the Commissioners and to staff consistent with their needs. We are working with NFC to expand project code subsystems and restructure our reporting requirements to more accurately report management information needs. A detailed tracking system will be available to the Commissioner's on or before October 1, 1997.

Now on p. 19.

Now on p. 19.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

---

**18.) GAO STATEMENT:**

*Commission officials told us that the office responsible for conducting the project – OGC or OCRE – the Congressional Affairs Unit, and the Administrative Services and Clearinghouse Division maintain mailing lists that are used to disseminate Commission project reports, hearings or other publications to the public. Our review of the agency's general mailing list indicated that the list had not been updated in at least 5 years.... According to a Commission official, one staff member had offered to purge the various lists to eliminate duplication and update the agency's general mailing list but the offer was refused. (page 26 and 27)*

---

Now on p. 20.

**COMMISSION RESPONSE:**

Limited funding has not yet enabled the Commission to purchase a local area network (LAN) which will transition us to the development of a consolidated agency mailing list internally but it remains a goal for FY 1998. The Commission expects that shared information on a LAN, such as a consolidated mailing list, will decrease costs long term and eliminate potential dissemination duplication errors in the future. However update and purging under current circumstances is being pursued.

The Commission is forwarding postcards to mailing list customers to specifically requests their confirmation for their continuation on mailing lists. Additional steps may be taken after a review of the process is completed.

---

**19.) GAO STATEMENT:**

*Commission officials told us that they did not know the costs for publishing and disseminating project reports. The officials said they authorize the printing of at least 5,000 copies of each report, but they did not keep track of the cost. (page 27)*

---

Now on p. 20.

**COMMISSION RESPONSE:**

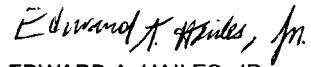
The Commission Budget Officer tracks the costs for publishing and disseminating project reports. The costs for printing Commission reports and the number of copies printed are also known. For example, we know that 8,000 copies of the *Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs* report have a cost figure of \$29,900.00 and that the cost figure for 5,100 copies of *Volume I of the Equal Educational Opportunity Project Series* is \$18,693.00. In short, the costs are known and the authorization process is not completed without the disclosure and consideration of these costs by Commission officials for any project.

---

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

This concludes our response.

For the Office of the Staff Director:



EDWARD A. HAILES, JR.  
Deputy Staff Director



**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

Offbud

**CENTRAL REGIONAL OFFICE - FY 1997**

	FY 1997		1st HALF		adjust- ment
			REVIEW	balance	
Permanent salaries	282,350		138,243	144,107	
Temporary	0			0	
Part-time	0			0	
Intermittent	0			0	
new-hires	0			0	
vacancies	0			0	
cash awards				0	
overtime				0	
lump sum				0	
Benefits	47,999		20,736	27,263	17.00%
Travel	28,675		16,637	12,038	
Trans. Effects				0	
SLUC	34,356		8,589	25,767	
Other rents	1,500		695	805	
Communications				0	
Printing	0		0	0	0
photo				0	
GPO riders				0	
stationery				0	
Other services	6,093		534	5,559	-1,652
NFC				0	
health units	745		186	559	
misc				0	
court reporters	5,000			5,000	-2,000
registration fees				0	
training	348		348	0	348
Lexis				0	
warehouse				0	
Supplies	2,355		2,260	95	1,315
FAXON				0	
newspapers	1,524		1,429	95	1,020
office supplies	831		831	0	295
Equipment				0	
				0	
	403,328	0	187,694	215,634	-337

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

BUDGRO--84EA			COMMISSION ON CIVIL RIGHTS			PAGE 00049		
FISCAL YEAR - 1997						04/08/97		
COMMISSION ON CIVIL RIGHTS			--			COMPLAINT PROCESSING		
APPROPRIATION CODE: 701						MONTH ENDING: MARCH 31, 1997		
TYPE OF CASE: 5 INVALID CASE TYPE								
C U R R E N T P E R I O D			Y E A R T O D A T E			A N N U A L		
--PLAN--	--OBLIGATION--	--VARIANCE--	--PLAN--	--OBLIGATION--	--VARIANCE--	--PLAN--	--BALANCE--	
1101 --	BASE PAY U.S. NON-WAGE BOARD		FULL TIME PERMANENT					
.00	8468.10	8468.10-	.00	34885.84	34885.84-	.00	34885.84-	
1199 --	PAYROLL ESTIMATES							
.00	2359.78-	2359.78	.00	344.89	344.89-	.00	344.89-	
** SUB-TOTAL BY: 11	-- PERSONNEL COMPENSATION							**
.00	6108.32	6108.32-	.00	35230.73	35230.73-	.00	35230.73-	
1202 --	FGLI-AGENCY CONTRIBUTION							
.00	13.81	13.81-	.00	65.95	65.95-	.00	65.95-	
1203 --	FEMBA-AGENCY CONTRIBUTION							
.00	351.17	351.17-	.00	1793.46	1793.46-	.00	1793.46-	
1204 --	CSRS RETIREMENT (7%) COVERAGE CLDE 1							
.00	94.08	94.08-	.00	375.30	375.30-	.00	375.30-	
1213 --	HOSPITAL INSURANCE TAX CONTRIBUTION							
.00	122.79	122.79-	.00	505.88	505.88-	.00	505.88-	
1214 --	TRANSITIONAL RETM CONTRIBUTION - CIVIL SERVICE REIM							
.00	188.70	188.70-	.00	812.60	812.60-	.00	812.60-	
1251 --	TRANSITIONAL OASDI CONTRIBUTION - CIVIL SERVICE (C)							
.00	167.14	167.14-	.00	719.76	719.76-	.00	719.76-	
1264 --	FERS REGULAR CONTRIBUTIONS							
.00	504.84	504.84-	.00	2042.42	2042.42-	.00	2042.42-	
1269 --	FULL OASDI CONTRIBUTIONS - FERS (K)							
.00	274.57	274.57-	.00	1089.21	1089.21-	.00	1089.21-	
1274 --	TSP GOVERNMENT BASIC CONTRIBUTION							
.00	44.28	44.28-	.00	174.05	174.05-	.00	174.05-	
1275 --	TSP GOVERNMENT MATCHING CONTRIBUTION							
.00	143.98	143.98-	.00	422.42	422.42-	.00	422.42-	
** SUB-TOTAL BY: 12	-- PERSONNEL BENEFITS							**
.00	1905.36	1905.36-	.00	8001.05	8001.05-	.00	8001.05-	

HDA WFC SHAL

**Appendix V  
Comments From the Commission on Civil  
Rights Chairperson, Vice Chairperson,  
Commissioners Higginbotham and Lee, and  
Staff Director**

BUDG80--84EA		COMMISSION ON CIVIL RIGHTS			PAGE 00050	
FISCAL YEAR - 1997					04/08/97	
COMMISSION ON CIVIL RIGHTS		--*			COMPLAINT PROCESSING	
APPROPRIATION CODE: 701					MONTH ENDING: MARCH 31, 1997	
TYPE OF CASE: 5		INVALID CASE TYPE				
CURRENT PERIOD		YEAR TO DATE			ANNUAL	
--PLAN--	--OBLIGATION--	--VARIANCE--	--PLAN--	--OBLIGATION--	--VARIANCE--	--PLAN--
--BALANCE--						
2660	-- SUBSCRIPTIONS, PAMPHLETS AND DOCUMENTS					
.00	.00		.00	30.00	30.00-	.00
						30.00-
** SUB-TOTAL BY: 26	-- SUPPLIES AND MATERIALS					**
.00	.00		.00	30.00	30.00-	.00
						30.00-
**** TOTAL ****						
.00	8013.68	8013.68-	.00	43261.78	43261.78-	.00
						43261.78-

USDA WEC 5/8/93

# GAO Contacts and Staff Acknowledgments

---

## GAO Contacts

Sigurd R. Nilsen, Assistant Director, (202) 512-7003  
Jacqueline Harpp, Evaluator-in-Charge, (202) 512-8380

---

## Staff Acknowledgments

Patricia M. Bundy, Evaluator  
Stefanie Weldon, Senior Attorney

---

**Appendix VI**  
**GAO Contacts and Staff Acknowledgments**

---

---

# Related GAO Products

---

Commission on Civil Rights: Commissioners' Travel Activities  
(GAO/GGD-94-130, Aug. 8, 1994).

Request for Reconsideration of Claim for Relocation Allowance  
(B-246538.4, Mar. 18, 1994).

Civil Rights Commission Employee's Claim for Relocation Expenses  
(B-246538.2, Jan. 27, 1993).

U.S. Commission on Civil Rights: The Commission Has Complied With  
FY90 Appropriation Act Provisions (GAO/GGD-92-83, May 12, 1992).

Civil Rights Commission Authority to Operate (B-246541, Apr. 29, 1992).

U.S. Commission on Civil Rights: The Commission Has Complied With  
FY89 Appropriation Act Provisions (GAO/GGD-91-32, Feb. 8, 1991).

U.S. Commission on Civil Rights: Compliance With Appropriation  
Provisions as of March 31, 1988 (GAO/GGD-88-91, June 2, 1988).

U.S. Commission on Civil Rights: Concerns About Commission Operations  
(GAO/GGD-88-71, May 26, 1988).

U.S. Commission on Civil Rights: Commission Publications During Fiscal  
Years 1978-1986 (GAO/GGD-87-117BR, Sept. 25, 1987).

Civil Rights Commission Employees' Claim for Severance Pay (B-217050,  
July 30, 1986).

The Operations of the United States Commission on Civil Rights  
(Testimony, Mar. 25, 1986).

---

## Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

### Orders by mail:

U.S. General Accounting Office  
P.O. Box 6015  
Gaithersburg, MD 20884-6015

### or visit:

Room 1100  
700 4th St. NW (corner of 4th and G Sts. NW)  
U.S. General Accounting Office  
Washington, DC

Orders may also be placed by calling (202) 512-6000 or by using fax number (301) 258-4066, or TDD (301) 413-0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

[info@www.gao.gov](mailto:info@www.gao.gov)

or visit GAO's World Wide Web Home Page at:

<http://www.gao.gov>

---

**United States  
General Accounting Office  
Washington, D.C. 20548-0001**

**Bulk Rate  
Postage & Fees Paid  
GAO  
Permit No. G100**

**Official Business  
Penalty for Private Use \$300**

**Address Correction Requested**

---

